

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8802 HOUSE STATE AFFAIRS

be redrawn, the approach rejected by the Hruska Commission in 1973 as much too unsettling.¹⁰⁸ This would permit an initial levelling of caseload and judgeships. For example, Congress might create twenty circuits of nine judges organized with roughly equal caseload under a completely redrawn system of boundary lines.¹⁰⁹ This symmetry would be gained, however, at a high cost in disruption. Much federalizing influence of the Courts of Appeals would be lost with so many smaller circuits. The balkanized precedent of the law of the circuits already present in the current arrangement would be worsened likely without any compensating improvements. More circuits multiply intercircuit conflicts, and the resulting balkanized hegemony of national law arguably is one of the principal banes of the federal court system.¹¹⁰ If circuit splitting is a bad idea, circuit mincing is even worse.

Dividing the Ninth Circuit or using it as an excuse to create a system of mini-circuits simply will not address the real problem. The cure is worse than the disease, for circuit splitting does not solve the problems of one circuit and merely postpones solution of the problems of two to some future day.¹¹¹ Again, then-Chief Judge Goodwin summed up the problem:

Splitting the Ninth Circuit, or other circuits, would not address the real problem facing the Federal Courts of Appeals. The problem is not structure, but workload. Creating more regional circuits would not diminish the work, but merely divide it. The number of cases that must be heard by three-judge panels nationwide would remain the same and continue to grow no matter how many new circuits are formed.¹¹²

Among the subjects within the explicit charge of the Federal Courts Study Committee was Congress' request for an evaluation of the structure and administration of the Courts of Appeals. Perhaps, the timing of the introduction of S. 948 can be understood as having been some not-so-subtle attempt to influence the Study Committee's deliberation with the hope of some support for the proposal to divide the Ninth Circuit. The sponsors of S. 948 did in

108. See *supra* text accompanying notes 15-16.

109. See Alvin B. Rubin, *Views from the Lower Court*, 23 UCLA L. Rev. 448, 459 (1976).

110. Thomas E. Baker & Douglas D. McFarland, *The Need for a New National Court*, 100 Harv. L. Rev. 1400, 1404-

09 (1987) (WESTLAW: HVL database, cit(10G -5 1400)).

111. See Thomas E. Baker, *A Postscript on Precedent in the Divided Fifth Circuit*, 36 Sw. L.J. 725, 742 (1982) (WESTLAW: SWLJ database, cit(36 -5 725)).

112. Goodwin, *supra* note 42, at 11.

fact respond to the Committee's Tentative Recommendations¹¹³ and directly requested that the Committee's Final Report include a specific endorsement for the proposal.¹¹⁴ The Study Committee resisted these efforts for the most part, and in the Final Report took "no position" on the proposal, deciding instead to defer to the political process.¹¹⁵

The Federal Courts Study Committee instead entreated Congress to reconceptualize the debate over the Courts of Appeals. The direction of analysis in the debate over S. 948, that "big is bad"—that we must add circuit judges to keep up with caseload and then divide Courts of Appeals to keep them recognizable as courts—is only one possible direction of thought. Admittedly, it has been the congressional approach now for some one hundred years. But, the Study Committee challenged Congress to stop thinking linearly, or at least alternatively to begin to think in the other direction:

The current debate between Ninth Circuit and the other circuits revolves around two very different conceptions of an appellate court. The Ninth Circuit works as a rotating system of three-judge panels (over 3,000 combinations are possible) covering an enormous geographic area, bonded by a very capable administration and serviced by the nation's only small, or limited, in banc of ten randomly selected judges and the chief judge. Other courts prefer the traditional concept of a smaller, more intimate, unitary tribunal, even as their growing caseload makes this ideal more and more difficult to sustain. Perhaps the Ninth Circuit represents a workable alternative to the traditional model. If not, the entire present appellate system needs restructuring before other circuits become the "jumbo" courts toward which they are gradually evolving.¹¹⁶

113. Senators Gorton, Hatfield, and Stevens repeatedly agreed with the direction of analysis of the Committee. See generally Response to Tentative Recommendations, *supra* note 28.

114. Letter from Senators Slade Gorton and Mark O. Hatfield to Judge Joseph F. Weiss, Chair of the Federal Courts Study Committee (Sept. 5, 1989).

115. Study Committee Report, *supra* note 36, at 123 ("We take no position on whether the Ninth Circuit should be split. That question involves issues peculiar to that region that we are not

qualified to address, given our deadline and resources.").

The Ninth Circuit otherwise was featured prominently in the Committee's report. Its uniqueness and size were emphasized. *Id.* at 114. As previously mentioned, the limited en banc procedure was endorsed. *Id.* at 115. The court's administrative innovations were found praiseworthy. *Id.* at 115-16. See also *infra* Chapter Nine.

116. *Id.* at 122-23.

HJR

60



STATE OF ALASKA

THE ALASKA STATE LEGISLATURE

House of Representatives

Representative Jeannette James

Chair of House State Affairs Committee

Capitol Building

Juneau, AK 99801-2197

(907) 465-3743 ph

(907) 465-2381 fax

Sponsor Statement

February 19, 1996

HJR 60 RS 2477 highway rights of way

By Rep. Jeannette James

Federal Revised Statute 2477 (RS 2477) provided for "the right-of-way" for the construction of highways over public lands, not reserved for public use. HJR 60 preserves access all over Alaska using traditional roads and trails for future roads and trails.

Congress repealed RS 2477 in 1976, but reserved existing rights-of-way created under RS 2477.

The US Department of the Interior is attempting to administratively recind the long-standing and widely accepted interpretation of RS 2477 by adopting regulations restrictively defining key statutory terms contrary to the intent of the Congress and virtually eliminating all RS 2477 rights-of-way in Alaska.

S. 1425 has been introduced in the US Senate, and H.R. 2081 has been introduced in the US House to preserve the long standing judicial and executive interpretation of RS 2477 and to protect the existing rights-of-ways previously granted by the federal government under RS 2477.

HJR 60 supports the federal legislation and asks that the US government allow us a reasonable period and process for the assertion, recognition, and determination of the existence RS 2477 rights-of-way.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HR 10

Title: Relating to RS 2477
 Sponsor: Rep. James
 Requestor: _____

Dept. Affected LAA
 BRU: _____
 Components: _____
 Serial #: _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (THOUSANDS OF DOLLARS)

General Fund						
Federal Fund						
Other						
TOTAL	0	0	0	0	0	0

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

See attached analysis

Prepared by: H. State Affairs Committee
by Walt Wilcox
Legis Aide
Mark Klein

Date: 2/19/96
 Phone: 465-3743
 Phone: _____

HJR

61

ALASKA STATE LEGISLATURE

COMMITTEES:

- State Affairs
- Military and Veterans Affairs
- Economic Development

BUDGET SUBCOMMITTEES:

- Department of Administration
- Department of Military and Veterans Affairs



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REPRESENTATIVE ED WILLIS

DISTRICT 25

Birchwood • Chugiak • Eagle River • Fire Lake • Lower Peters Creek

TO: Chairman Jeannette James
House State Affairs Committee

FROM: Representative Ed Willis 

DATE: March 25, 1996

RE: HJR 61 - Supporting the Anchorage Veterans Affairs Regional Office

I would like to thank Chairman James and my colleagues on this committee for introducing HJR 61 as a State Affairs Committee resolution. I respectfully request that HJR 61 be scheduled in House State Affairs as the committee's earliest convenience.

I am presenting HJR 61 to this committee because of some very serious concerns about adverse impacts resulting from proposed downsizing and restructuring of the Anchorage Veterans Affairs Regional Office. More than 73,000 of Alaska's citizens are veterans. Alaska is one of only five states in which the proportional population of veterans is actually *increasing*, rather than decreasing. The volume of compensation and pension claims *increased* by 11% in FY1995 while nationally the VA saw a *decrease* of 27% in such claims. I'd also add that the Anchorage Veterans Affairs Regional Office is nationally the sixth best in terms of claims completed per staff hour in comparison to the other 57 regional offices.

In short, I believe that the Anchorage Veterans Affairs Regional Office is currently serving a steadily increasing veteran population in a very efficient manner. I do not believe that it is in the best interests in Alaska's veterans to fragment the function of this efficient operation to other offices thousand of miles away from those veterans needing assistance. I strongly encourage this committee to approve HJR 61, putting the Alaska Legislature on the record as opposing the proposed changes to the Anchorage VA Office.

I have included a memorandum from Mr. Warren Colver, a Department Service Officer for the American Legion, as well as other attached information, which more fully addresses some of the negative impacts of restructuring of the Anchorage Veterans Affairs Regional Office.



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FISCAL NOTE

STATE OF ALASKA
96 LEGISLATIVE SESSION

No. 1
Bill Version: HJR 61
(H) Publish Date: 3/25/96

Title: A Resolution opposing the proposed changes in the functions of the Federal Office of Veterans Affairs in Anchorage
Sponsor: House State Affairs
Requestor: _____

Dept. Affected: Office of the Governor
BRU: Executive Operations
Components: All components
Serial #: _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Buildings and Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (THOUSANDS OF DOLLARS)

General Fund						
Federal Fund						
Other						
TOTAL	0	0	0	0	0	0

POSITIONS:

Full-time						
Part-time						
Temporary						

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

See attached analysis

Prepared by:

Pete Scott
Representative Peter Scott
Co-Chair
House Special Committee on Veterans
Military & Veterans Affairs

Date: 3-21-96
Phone: 465-3777
Phone: _____

MEMORANDUM

To: Representative Ed Willis

From: Mr. Warren C. Colver
Department Service Officer
The American Legion

Subject: HJR 61
Veterans Affairs Restructuring Proposal

Date: March 20, 1996

Legislative Request for Impact Information

*Impact of Federal VBA Restructuring and Downsizing
of Anchorage Veterans Affairs Regional Office*

- A. Gained Efficiencies in transfer of certain operating functions from Anchorage Regional Office to lower 48 Regional Offices--None.
1. Anchorage Veterans Affairs Medical & Regional Office Center is nationally the sixth best in claims completed per staff hour in comparison with the other 57 Regional Offices. Transferring Compensation and Pension functions to other locations would diminish the high productivity and cost efficiencies now existing at present location.
 2. Compensation and Pension claims increased in Anchorage by 11% in FY95, while nationally, VA experienced a decrease of 27% in the processing and completion of C&P claims. Thus, the transfer of C&P functions to other locations would mean long and costly delays in processing of Alaskan Veteran claims.
 3. The Anchorage VAM&ROC has expeditiously completed C&P examinations in 19 days well below the national performance time of 35 days. Any location change, however, would probably increase performance time to the national standard of 35 days, and perhaps even longer depending on the workload of the transferee station. Further, timely processing of claims would suffer and the Veteran would ultimately be the loser because of division of claims functions located at different locations.

4. Adding additional layers and steps to the Claims and Pension process by keeping local counseling functions in Anchorage and sending claims decision making processing to Reno, Nevada and Phoenix, Arizona does little to improve the efficiency of the process. The consolidated claims process which splits counseling and decision functions to different localities can only result in long and inordinate delays in the processing of Alaskan Veterans claims. Additionally, many Veterans will suffer long delays as claims for Compensation and Pension are sometimes filed at the same time and the claims would be divided between Phoenix and Reno. As VA maintains only one claims folder, it would have to be transferred between the two offices, requiring extra time and delay in coordinating the transfer. Also, Veterans rights are compromised as they have a right to have their claims reviewed in a timely manner. Further, file folders would need to be transferred from Reno or Phoenix to the Anchorage Regional Office. Under the above circumstances, cost and productivity are at a low ebb, and certainly of a low priority.

5. Alaska is one of only five states which has a growing Veteran population. Many young veterans want to stay in Alaska rather than return to the lower 48. Transferring C&P claims outside will mean long and costly delays in the processing of their claims. This is especially true when it is realized that Anchorage has been able, with existing facilities, to up its performance rate for its Veteran customers by 23%, whereas in some of the larger VA facilities outside, rather than increasing, have diminished.

Respectfully submitted,


Warren C. Corver
The American Legion
Department Service Officer

WCC/mjr

ENT BY:

12-20-85 : 8:27AM :

ANCH YA OC/RO-

82022242354: 2/ 9

Congressional Delegation Request for Information

Impact of VBA Restructuring on Alaska Veterans

A. Gained Efficiencies - Anchorage is already very efficient

1. The Anchorage YAM&ROC is sixth best nationally when compared to the other 57 Regional Offices in claims completed per staff hour.
2. Compensation and Pension (C&P) Claims increased in Anchorage 11% in FY95 while nationally VA experienced a decrease of 27% in C&P claims.
3. Anchorage is now below the national average for C&P examination timeliness, a considerable improvement over our output the previous year.
4. Our percent of cases pending over six months dropped from the highest in the nation during FY94 to well below the national average.
5. Anchorage improved productivity despite experiencing staffing cuts and reductions in overtime funds available.
6. Anchorage is experiencing increasing workload and productivity gains simultaneously. It does not appear that this restructuring can have a positive effect on these trends.

B. Greater Access - Moving providers 3000 miles from their Alaska customers does not necessarily improve access.

1. Anchorage has made major resource shifts to make decision makers directly accessible to the customer via the new team concept for a Veterans Service Unit. Restructuring reverts to the old method of one type of employee accepts and develops paperwork and another type, remote from the veteran, decides the claims merits.
2. Specialization of service centers reduces the level of personalized service that any one staff can provide the veteran. Personnel at consolidated service centers will become familiar with only one aspect of veterans benefits.
3. Customer service survey instruments have shown that customers want to speak to decision makers; claims specialists will undermine this effort. Recently some VBA stations have received Vice President Gore's Hammer Award for placing decision makers in touch with the customer. This proposal seems to ignore the success of these stations experiences.

III. Reduced Operating Costs - Alaska cost savings data is not explained.

1. While individual salary costs in Alaska are higher due to the 25% Cost of Living Allowance (COLA), the Anchorage VBA staff are low cost when analyzed on total salary costs. This is due to being collocated with the medical center under the VAM&ROC structure which provides the space and overhead for the operation. No rent will be saved since VA has a 10 year lease on the Anchorage VAM&ROC building.

2. VAM&ROC structure of "one stop shopping" for veterans is a positive approach to not only reducing operating costs, but also improvements in customer service and employee understanding of the agency as a whole. Of the six VAM&ROCs in VA's system, this restructuring proposal effectively eliminates four.

3. The net reduction in FTEE from restructuring is very small, compared the creation of a sizable backlog of claims following a move of this magnitude.

4. The responsibility for serving Alaskan veterans will still rest with the Director of the Anchorage VAM&ROC, but this authority to control claims processing will be lost.

5. Additional layers and steps are being added to the process by splitting claims counseling in Alaska from claims decision making in Nevada.

IV. Improvements in Timeliness and Quality - For Alaska veterans making the process more complex will not necessarily improve timeliness and/or quality.

1. Anchorage has shown considerable improvements in timeliness despite growing workload and reduction in both overtime and staffing. Staffing has been cut and frozen at approximately 23% of our authorized ceiling.

2. Anchorage has received excellent marks in the quality indicators.

3. Anchorage has very positive customer relations, this includes congressional offices, service organizations and individual veterans.

4. Alaska is one of only five states which continue to have a growing veteran population. The average age of Alaska veterans is second only to Utah for youngest. This young and growing veteran population will not experience the natural attrition that states with older veteran populations will.

5. Transferring records back and forth between Alaska and Reno/Phoenix will add delays and increase the chance for errors. In many instances a veteran applies for numerous benefits simultaneously. This would require multiple claims folders being created and sent to Reno, Nevada and Phoenix, Arizona, for Compensation and Pension respectively. This will delay processing timeliness and require unbelievable coordination between the three facilities.

Hypothetical Example #1

Veteran is discharged from Fort Wainwright, Alaska and joins Alaska National Guard. Veteran files a claim with Anchorage VAM&ROC. Power of Attorney is provided to veterans service organization with initial claim. Anchorage forwards claim to Reno, VARO for adjudicative action (mailing time approximately 3days). Reno, VARO builds folder and requests records and Compensation and Pension Examination from Anchorage VAM&ROC. Reno, VARO sends claims folder to Anchorage for examination (mailing time approximately 4days, one way). Examination completed and folder forwarded to Reno, VARO with completed examination (mailing time approximately 4days). Reno, VARO has difficulty obtaining military medical records from Alaska National Guard. Anchorage Veterans Service Officer requests review of claims folder (mailing time 4days each way). Reno, VARO completes claim and an additional 19 days of record transfer time is accrued during this process. This delay does not include the time lost in communications with Alaska National Guard.

Hypothetical Example #2

Alaska Native widow, in remote village, files Eligibility Verification Review (EVR). Reno, VARO is unfamiliar with special laws regarding Alaska Native income and creates an erroneous underpayment. Reno, VARO also does not check for unreported Alaska Permanent Fund Dividend bonus and Longevity Bonus income and thus creates an unnecessary overpayment. Later an income verification match (IVM) detects under reporting of income, leading to a suspension of the widows payments. Widow experiences extended financial hardship, and several Veterans Assistance Inquiries (VAIs) and congressional inquiries needed to correct problem.

SENT BY:

12-20-85 ; 8:28AM ;

ANCH VA CC/RO-

8202242354;# 5/ 9

The proposal to restructure Veterans Benefits Administration (VBA) functions which was released December 13, 1995, presents some interesting questions and concerns upon review.

The motivating factor for initiating this restructure plan is that of improved efficiencies and cost savings. What savings will be realized from such a restructuring plan? Federal employees at the affected sites will be subject to federal relocation and placement authority. Additionally, what real reductions in staffing levels are to be gained under this plan? The benefits processing workload will be reallocated and require increased staffing at Reno and Phoenix VA offices to handle Alaska's veterans claims.

Customer expectations is included as being addressed by the restructure of VBA. How are veterans expectations being met through the elimination of local offices? The Veterans Health Administration (VHA) has been developing increased access points and consolidated service delivery. The establishment of VA Medical And Regional Offices Centers (VAM&ROC) was a positive approach to creating one stop shopping for veterans seeking their federal benefits. The restructure proposal eliminates four VAM&ROCs and removes this convenient access. This VAM&ROC concept also minimizes the need for redundant VBA and VHA offices and improves the customer's understanding of the agency. It appears that customer expectations will not be positively impacted by the initiative being proposed.

Alaska's veterans currently expect and receive priority claims processing when necessary to expedite treatment decisions or when a considerable hardship will or has been experienced. Can a consolidated claims processing process, such as the one being proposed meet this need?

SENT BY:

12-20-85 : 8:28AM :

ANCH VA OC/RO-

0202242354:# 6/ 9

Additionally, often veterans file claims for both compensation and/or pension. If the processing for these two different claims is divided between Reno, Nevada and Phoenix, Arizona, wouldn't additional delays be expected as a result? VA maintains only one claims folder on the veteran and this would have to be transferred between the two offices. This will take extra time, coordination between offices and resources to coordinate and transfer the necessary documents and files.

In developing this proposal was any input solicited from the Anchorage, VAM&ROC regarding the impact of such a change?. The Alaska landscape and demographics are very unique and many lessons have been learned by this local VBA staff. The Anchorage VAM&ROC has shown consistent improvement over the past eighteen months on all critical customer service indicators. In FY93 a waiver of the national standard for Compensation and Pension Examination timeliness was needed in order to exempt the station from compliance with national timeliness standards.

Over the past year Anchorage VAM&ROC has consistently completed examinations *at 17 days* well below the 35 day national standard, the most recent performance being 19 days.

The relocation of veterans claims files and adjudication activities will have a very real impact on the medical care provided by the Anchorage VAM&ROC. Alaska VA medical providers depend more heavily on access to a veterans claims folder for guidance in treatment decisions. This is due to the unique mechanism VA utilizes for service delivery, fee for service community medical providers. The use of fee services is very strictly regulated by federal regulation. Very specific information is needed in order to determine VA's authority to pay for care by private providers. With the current collocation of VA activities this information is accessed quite readily. VA's

ENT BY:

12-20-83 ; 8:29AM ;

ANCH VA OC/RO-

82022242354:# 7/ 8

relationship with the community has been greatly improved as a result of the efficiency of the Anchorage VA clinic staff.

In reading the specifics of the proposal one must wonder about the methodology used to develop this plan. Was there a methodology behind the decision? If so were the criteria made known nationally or was the decision made without input? This is a very major step to undertake without the thoughtful input of those effected by the changes.

HJR

66

Alaska State Legislature



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Official Business
Fax : (907) 465-3472

Speaker of the House of Representatives

Sponsor Statement

for

HJR 66 Opposed to American Heritage Area

This resolution is a priority for all Western States. It opposes a federal bill which would directly affect the rights of Western States to govern their land.

The American Heritage Areas Program is a federal bill in the House Resources Committee. The bill provides the means to recognize natural, historic, scenic and cultural resources and recreational opportunities of the United States. Enactment of this proposed legislation would authorize the Secretary of the Interior to provide technical assistance to State and local governments and private nonprofit organizations to study and promote the potential for conserving and interpreting these areas. Further, it would establish within the Department of the Interior a body to assist the Secretary in carrying out this Act.

While there is merit in the preservation of Heritage Areas, their creation and governance should be state sponsored. The American Heritage Areas Program would dramatically amplify the role of the Park Service in the West, giving authority to yet another arm of the Department of the Interior with jurisdiction over Western lands. The endorsement of new Federal power continually erodes the authority of local government over local land issues.

The American Heritage Areas Program threatens the future value, ownership, and management of private lands by the de facto designation of "eligible" lands. The government may treat eligible property the same as designated property by applying language which refers to "properties eligible to be so designated". This bill must be amended to explicitly protect private lands before further consideration.

This resolution opposes the authorization of an American Heritage Areas Program as currently proposed.

STATE OF COLORADO

BY REPRESENTATIVES Entz, Acquafresca, Taylor, Young, George, and Pankey;
also SENATOR Wattenberg.

HOUSE JOINT RESOLUTION 96-1019

1 WHEREAS, The federal government is proposing to authorize
2 an American Heritage Areas Program which would put designated
3 areas in the National Park System, forcing these areas to be
4 subject to legislation as such; and

5 WHEREAS, Federal proposals labeling private property
6 invite, and are intended to invite, the destruction of private
7 property rights, particularly when used by federal agencies in
8 conjunction with other or subsequent legislation; and

9 WHEREAS, The National Park Service has a record of
10 insensitivity to private property rights, as evidenced by
11 twenty-eight years of misconduct by the National Natural
12 Landmark Program and, more recently, by the American Heritage
13 Areas Program, in which no provision has been made that would
14 allow private owners to reject or withdraw their property from
15 such labeling without penalty or shield private property owners
16 from the likely and severe adverse effects of such labeling; and

17 WHEREAS, The National Park Service has devised the de
18 facto label "eligible but not designated" which creates the
19 false impression that private property owners can avoid the
20 consequences of being designated despite the fact that the
21 government may treat eligible properties the same as designated
22 properties under language such as "This Act applies to . . . and
23 properties eligible to be so designated"; and

24 WHEREAS, The power to plan or zone private land is a power
25 reserved to the states and the people thereof; and

26 WHEREAS, Despite claims to the contrary, the clear intent
27 and effect of the subject proposal would be to, *de facto*,
28 involve the federal government in planning and zoning
29 activities; and

30 WHEREAS, It would be imprudent to tolerate or favor
31 constitutionally questionable labeling the consequences of which
32 cannot be fully specified in advance but which appear likely to
33 be injurious to private property rights; and

1 WHEREAS, Giving the American Heritage Areas Program a
2 basis in legislation would greatly facilitate and increase the
3 intrusive labeling of private lands; and

4 WHEREAS, The enormity of some of the proposed areas (Rocky
5 Mountain Heritage Corridor, Mississippi River Valley Heritage
6 Corridor, and others) demonstrates an inexcusable and
7 unacceptable federal arrogance; now, therefore,

8 *Be It Resolved by the House of Representatives of the*
9 *Sixtieth General Assembly of the State of Colorado, the Senate*
10 *concurring herein:*

11 That we oppose the authorization of an American Heritage
12 Areas Program and urge the members of Colorado's Congressional
13 delegation to oppose such authorization and work to abolish said
14 program.

15 *Be It Further Resolved, That copies of this resolution be*
16 *sent to each member of Colorado's Congressional delegation.*

HR

9

REPRESENTATIVE KIM ELTON

S P O N S O R S T A T E M E N T

H R 9

Relating to Alaska Garden Week

This resolution proposes to designate June 4 - 10, 1995 as Alaska Garden Week. Gardening is a popular activity for many Alaskans, and gardeners' efforts beautify many homes and neighborhoods across the state. Designating the first week of June recognizes the burst of plant growth and gardener activity of our early summer.

By passing this resolution, the State House will be recognizing the importance of gardening to our economy, beautification of neighborhoods, enhancement of mental and physical well being, and promotion of civic pride.

This resolution has been introduced at the request of the Alaska State Federation of Garden Clubs, the Alaska Extension Service and Alaska Master Gardeners.

FISCAL NOTE

**STATE OF ALASKA
1995 LEGISLATIVE SESSION**

BILL NO. House Resolution 9

Revision Date: _____ Dept. Affected: Statewide
 Title: Relating to Alaska Garden Week BRU: _____
 Component: _____
 Sponsor: Rep. Elton, Robinson
 Requester: _____ COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ _____

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Nancy Slagle, Director *Nancy Slagle*
 Division: OMB/Budget Review
 Approved by Commissioner: Annalee McConnell
 Agency: Office of Management & Budget

Phone: 465-4681
 Date: 4/28/95
 Date: 4/28/95

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REPRESENTATIVE KIM ELTON

SPONSOR STATEMENT

HR 9

Relating to Alaska Garden Week

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By passing this resolution, the State House will be recognizing the importance of gardening to our economy, beautification of neighborhoods, enhancement of mental and physical well being, and promotion of civic pride.

This resolution has been introduced at the request of the Alaska State Federation of Garden Clubs, the Alaska Extension Service and Alaska Master Gardeners.

SENATE BILL NO. 150

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATORS KELLY, Taylor, Hoffman, Zharoff, Phillips, Leman

Introduced: 4/5/95

Referred: State Affairs

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing Dutch Harbor Remembrance Day."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 44.12 is amended by adding a new section to read:

4 Sec. 44.12.080. DUTCH HARBOR REMEMBRANCE DAY. Dutch Harbor
5 Remembrance Day is established on June 3 of each year to commemorate the attack
6 on Dutch Harbor on June 3, 1942, and to honor the individuals who died as a result
7 of the attack and those inhabitants of Attu and Kiska who fell into enemy hands three
8 days later and were held captive in Japan until the end of World War II. On Dutch
9 Harbor Remembrance Day the many servicemen who died in 1943 while recapturing
10 Attu and Kiska from the Japanese are also honored for their diligent service to the
11 United States and to the state. The governor shall issue a proclamation to
12 commemorate Dutch Harbor Remembrance Day and shall direct that the Alaska flag
13 be flown at half-mast on that day. The day may be observed by suitable observances
14 and exercises by civic groups and the public.

HOUSE COMMITTEE REPORT

4/29/95
Rules

(7)
Date Referred: April 27, 1995

FURTHER REFERRALS:

Date of Committee Action: ~~Apr~~ April 28, 1995

The STATE AFFAIRS Committee considered:

HR 9

HOUSE RESOLUTION NO. 9

ALASKA GARDEN WEEK

Relating to Alaska Garden Week.

recommends it be replaced the same title
with the following committee substitute _____ a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) Gov/All Depts.

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Jennette James</i>	JAMES	✓			
<i>Scott Ogan</i>	OGAN	✓			
<i>Paul Willis</i>	WILLIS	✓			
<i>Juan Robinson</i>	JUAN ROBINSON	✓			
		(5)			

CHAIR'S SIGNATURE *Jennette James*

SB

1

Alaska State Legislature

Chairman,
Judiciary Committee

Vice Chairman,
Transportation Committee

Member,
Resources Committee
Western Legislative Forestry Task Force



Senator Robin L. Taylor

State Capitol
Juneau, Alaska 99801-1152
907-465-3873
Fax 907-465-3922

352 Front Street
Ketchikan, Alaska 99901
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SPONSOR STATEMENT

SENATE BILL 1

Before the House State Affairs Committee
March 28, 1995

Senate Bill 1 was introduced as a companion measure to SJR 7, the Tenth Amendment resolution which has already passed the Legislature and been transmitted to the Governor. The resolution demands that Congress stop the practise of passing federal mandates which exceed Congressional authority under the Tenth Amendment.

Senate Bill 1 is an attempt to identify federal mandates, both statutory and regulatory, which conflict with State policy or exceed Constitutional limitations. Similar legislation, passed in Colorado last year, declares that the state government has an obligation to the public to do what is necessary to protect the rights of the citizens of the state under federal law while minimizing or eliminating any additional cost or regulatory burden.

To accomplish this goal, SB 1 would require an annual review by the executive branch of each program mandated by Congress. An annual report to the Governor and the Legislative Budget and Audit Committee would set out conclusions and make recommendations for changes in the federal law to make a program consistent with state policy or more cost effective. A determination could also be made, with the assistance of the Department of Law, on whether the mandate exceeds federal authority.

District A:

Hyder • Ketchikan • Kupreanot • Meyers Chuck • Petersburg • Sixman • Sitka • Wrangell

Sponsor Statement - SB1

2/7/95

Page Two

Section 1 of the bill finds that there is an urgent need to modify certain mandates because implementation of those mandates wastes the financial resources of the state, municipalities and residents and that federal regulators often do not understand the needs and priorities of Alaska.

SB1 also provides for legislative review of federal mandates. The Legislative Budget and Audit Committee would be charged with making recommendations to the Governor on the need to seek a change in the federal statute, regulation or policy suited to the needs of the state; suggest changes in the affected state program to implement the mandate more efficiently ; or to pursue the possibility of a legal challenge to the validity of the mandate.

Passage of SB1 will add credence to the Legislature's passage of SJR 7. It will tell the citizens of Alaska that we intend to protect their rights by countering notions of federalism which conflict with the intent of the Founding Fathers.

In its' consideration of SB 1, the Senate Finance Committee zeroed out the fiscal notes submitted by various departments of state government. The Finance position was that most of the information required to implement the bill is already available to state agencies and there is no need for additional staff or equipment to accomplish the job. The Senate passed SB 1 on March 9 by a vote of 11-8.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 19
Bill Version: SB 1
(S) Publish Date: 3-2-95

Revision Date: _____
Title: State implementation of
federal statutes
Sponsor: Sen. Taylor, et al
Requestor: Senate Finance Committee

Dept. Affected All Departments
BRU: _____
Components: _____
Serial # _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (THOUSANDS OF DOLLARS)

General Fund						
Federal Fund						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

see attached analysis

*#19 replaces #1-18
previous notes*

Prepared by: Senate Finance Committee
Rick Halford
Senator Rick Halford, Co-chair

Steve Frank
Senator Steve Frank, Co-chair

Date: 3/2/95
Phone: 465-4958

Date: 3/2/95
Phone: 465-3709

1994

**UNPROOFED ADVANCE
UNOFFICIAL COPY**

SENATE BILL 94-157

BY SENATORS Norton, R. Powers, Wells, Bird, Bishop, Hopper, Johnson, Meiklejohn, Rizzuto, Roberts, Schroeder, Tebedo, Traylor, and Wattenberg;
also REPRESENTATIVES Berry, Acquafresca, Adkins, Agler, Allen, Anderson, Chlouber, Epps, Fleming, George, Jerke, Kreutz, Lawrence, May, Moellenberg, Morrison, Owen, Pfiffner, Schauer, Taylor, and Tucker.

CONCERNING THE IMPLEMENTATION OF FEDERAL MANDATES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Title 24, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 78
Federal Mandates Act**

**PART 1
IMPLEMENTATION OF FEDERAL MANDATES**

24-78-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "FEDERAL MANDATES ACT".

24-78-102. Legislative declaration. (1) (a) IN ENACTING THIS ARTICLE, THE GENERAL ASSEMBLY EMPLOYS ITS LEGISLATIVE AUTHORITY TO ESTABLISH THAT THE PEOPLE OF THE STATE OF COLORADO, ACTING THROUGH THEIR ELECTED OFFICIALS IN COLORADO STATE GOVERNMENT, HAVE THE RESPONSIBILITY AND AUTHORITY TO ESTABLISH POLICY IN AND FOR COLORADO PERTAINING TO FEDERAL PROGRAMS MANDATED IN FEDERAL STATUTES.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) THE INTENT OF THE GENERAL ASSEMBLY IS TO ASSURE THE PRIMACY OF THE STATE OF COLORADO'S LEGAL AND POLITICAL AUTHORITY TO IMPLEMENT IN AND FOR COLORADO THE POLICY MANDATED BY FEDERAL STATUTES AND TO VIGOROUSLY CHALLENGE AND SCRUTINIZE THE EXTENT AND SCOPE OF AUTHORITY ASSERTED BY FEDERAL EXECUTIVE BRANCH AGENCIES WHEN FEDERAL AGENCY ACTIONS AND INTERPRETATIONS ARE INCONSISTENT WITH COLORADO POLICY AND EXCEED THE LAWFUL AUTHORITY OF THE FEDERAL GOVERNMENT OR ARE NOT REQUIRED BY FEDERAL LAW.

(c) IN THIS CONNECTION THE COLORADO GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(I) THE POWER TO IMPLEMENT FEDERAL POLICIES IN AND FOR COLORADO IS CENTRAL TO THE ABILITY OF THE PEOPLE OF COLORADO TO GOVERN THEMSELVES UNDER A FEDERAL SYSTEM OF GOVERNMENT; AND

(II) ANY IMPLEMENTATION OF FEDERAL POLICIES IN AND FOR COLORADO BY FEDERAL EXECUTIVE BRANCH AGENCIES THAT IS CONTRARY TO FUNDAMENTAL NOTIONS OF FEDERALISM AND SELF-DETERMINATION MUST BE IDENTIFIED AND COUNTERED.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(a) THERE IS AN URGENT NEED TO MODIFY FEDERAL MANDATES BECAUSE THE IMPLEMENTATION OF THESE MANDATES BY THE STATE WASTES THE FINANCIAL RESOURCES OF LOCAL GOVERNMENTS, THE CITIZENS OF COLORADO, AND THE STATE AND DOES NOT PROPERLY RESPECT THE RIGHTS OF THE STATE, LOCAL GOVERNMENTS, AND CITIZENS.

(b) THE STATE GOVERNMENT HAS AN OBLIGATION TO THE PUBLIC TO DO WHAT IS NECESSARY TO PROTECT THE RIGHTS OF COLORADO CITIZENS UNDER FEDERAL LAW WHILE MINIMIZING OR ELIMINATING ANY ADDITIONAL COST OR REGULATORY BURDEN ON ANY CITIZEN OF THE STATE.

(c) THE TENTH AMENDMENT TO THE UNITED STATES CONSTITUTION DIRECTS THAT POWERS THAT ARE NOT DELEGATED TO THE UNITED STATES ARE RESERVED TO THE STATES OR TO THE PEOPLE. COLORADO, AS ONE OF THE SOVEREIGN STATES WITHIN THE UNION, HAS CONSTITUTIONAL AUTHORITY TO ENACT LAWS PROTECTING THE ENVIRONMENT OF THE STATE AND SAFEGUARDING THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE CITIZENS OF COLORADO. HOWEVER, THIS AUTHORITY HAS TOO OFTEN BEEN IGNORED BY THE FEDERAL GOVERNMENT, AS THE FEDERAL GOVERNMENT HAS INTRUDED MORE AND MORE INTO AREAS THAT MUST BE LEFT TO THE STATES. IT IS ESSENTIAL THAT THE DILUTION OF THE AUTHORITY OF STATE AND LOCAL GOVERNMENTS BE HALTED AND THAT THE PROVISIONS OF THE TENTH AMENDMENT BE ACCORDED PROPER RESPECT.

(d) CURRENT FEDERAL REGULATORY MANDATES, AS REFLECTED IN FEDERAL ADMINISTRATIVE REGULATIONS, GUIDELINES, AND POLICIES, OFTEN DO NOT REFLECT THE REALITIES OF THE ROCKY MOUNTAIN REGION, AND FEDERAL REGULATORS FREQUENTLY DO NOT UNDERSTAND THE NEEDS AND PRIORITIES OF THE CITIZENS OF COLORADO.

(e) THE CITIZENS OF THIS STATE CAN CREATE AND WISH TO CREATE INNOVATIVE SOLUTIONS TO COLORADO'S PROBLEMS, BUT THE CURRENT MANNER IN WHICH LEGAL CHALLENGES TO STATE POLICIES AND FEDERAL PROGRAMMATIC SUBSTITUTIONS OF STATE PROGRAMS ARE HANDLED DOES NOT ALLOW THE STATE THE FLEXIBILITY IT NEEDS. IT IS NOT POSSIBLE FOR THE STATE OF COLORADO TO EFFECTIVELY AND EFFICIENTLY IMPLEMENT THE PROVISIONS OF FEDERAL STATUTES UNLESS THE BURDEN TO PROVE THE INSUFFICIENCY OF THE STATE'S EFFORTS TO IMPLEMENT FEDERAL REQUIREMENTS IS SHIFTED TO THE PERSON OR AGENCY WHO ASSERTS SUCH INSUFFICIENCY.

(f) THE PROVISIONS OF THIS ARTICLE WILL BETTER BALANCE THE EXERCISE OF THE POWERS OF THE FEDERAL GOVERNMENT AND THE POWERS RESERVED TO THE STATES. IN ADDITION, THE APPLICATION OF THIS ARTICLE ULTIMATELY WILL BRING ABOUT GREATER PROTECTION FOR THE STATE AND THE NATION, BECAUSE IT WILL DIRECT THE STATE TO IMPLEMENT FEDERAL STATUTES AT THE LEAST POSSIBLE COST, THEREBY FREEING MORE MONEYS FOR OTHER NEEDS.

(g) THE PURPOSE OF THIS PART 1 IS TO ENSURE THAT FEDERAL MANDATES IMPLEMENTED IN COLORADO COMPLY WITH STATE POLICY AS ESTABLISHED BY THE GENERAL ASSEMBLY.

24-78-103. Definitions. AS USED IN THIS PART 1, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "EXECUTIVE COMMITTEE" MEANS THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL ESTABLISHED PURSUANT TO SECTION 2-3-301 (1), C.R.S.

(2) "FEDERAL STATUTE" MEANS A FEDERAL STATUTE THAT IS IN ACCORD WITH THE UNITED STATES CONSTITUTION IMPOSING MANDATES ON STATE OR LOCAL GOVERNMENTS, WHICH MAY INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING:

(a) THE FEDERAL "SAFE DRINKING WATER ACT", 42 U.S.C. SEC. 300f, ET SEQ., AS AMENDED;

(b) THE FEDERAL "CLEAN AIR ACT", 42 U.S.C. SEC. 7401, ET SEQ., AS AMENDED;

(c) THE "FEDERAL WATER POLLUTION CONTROL ACT", 33 U.S.C. SEC. 1251, ET SEQ., AS AMENDED;

(d) THE FEDERAL "SOLID WASTE DISPOSAL ACT", 42 U.S.C. SEC. 3251, ET SEQ., AS AMENDED;

(e) THE FEDERAL "RESOURCE CONSERVATION AND RECOVERY ACT OF 1976", 42 U.S.C. SEC. 6901, ET SEQ., AS AMENDED;

(f) THE FEDERAL "COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980", 42 U.S.C. SEC. 9601, ET

SEQ., AS AMENDED;

(g) THE FEDERAL "SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT OF 1986", P.L. 99-499, AS AMENDED;

(h) THE FEDERAL "ENDANGERED SPECIES ACT OF 1973", 16 U.S.C. SEC. 1531, ET SEQ., AS AMENDED;

(i) THE FEDERAL ASBESTOS SCHOOL HAZARD ABATEMENT STATUTE, 20 U.S.C. SEC. 4011, ET SEQ., AS AMENDED;

(j) THE FEDERAL "BRADY HANDGUN VIOLENCE PREVENTION ACT OF 1993", P.L. 101-336, AS AMENDED;

(k) THE FEDERAL "COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986", 49 U.S.C. SEC. 2501, AS AMENDED;

(l) THE FEDERAL "FAMILY AND MEDICAL LEAVE ACT OF 1993", P.L. 103-3, AS AMENDED;

(m) THE FEDERAL "EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT", P.L. 99-145 AND 99-499, AS AMENDED;

(n) THE FEDERAL, STATE, AND LOCAL PARTNERSHIP FOR EDUCATION IMPROVEMENT PROGRAM, 20 U.S.C. SEC. 1751, ET SEQ., AS AMENDED;

(o) THE FEDERAL "NATIONAL VOTER REGISTRATION ACT OF 1993", P.L. 103-31, AS AMENDED;

(p) THE FEDERAL SCHOOL LUNCH PROGRAM AND SCHOOL BREAKFAST PROGRAM, 42 U.S.C. SECS. 1751 AND 1773, AS AMENDED;

(q) THE FEDERAL SOCIAL SERVICES AND MEDICAID REQUIREMENTS, 42 U.S.C. SEC. 1396, AS AMENDED;

(r) FEDERAL HIGHWAY SAFETY PROGRAMS;

(s) THE FEDERAL "INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991", P.L. 102-240, AS AMENDED.

(3) "JOINT BUDGET COMMITTEE" MEANS THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY ESTABLISHED PURSUANT TO SECTION 2-3-201 (1), C.R.S.

24-78-104. State programs ~~do~~ implement federal statutes.
(1) ANY STATE OFFICER, OFFICIAL, OR EMPLOYEE CHARGED WITH THE DUTY OF IMPLEMENTING ANY FEDERAL STATUTE SHALL IMPLEMENT THE LAW AS REQUIRED BY THE FEDERAL STATUTE IN GOOD FAITH AND EXERCISING A CRITICAL VIEW TOWARD THE PROVISIONS OF ANY FEDERAL REGULATION, GUIDELINE, OR POLICY IN ORDER TO IDENTIFY THOSE PROVISIONS OF ANY FEDERAL REGULATION, GUIDELINE, OR POLICY THAT ARE INCONSISTENT WITH COLORADO POLICY OR DO NOT ADVANCE COLORADO POLICY IN A

COST-EFFECTIVE MANNER.

(2) ANY AGENCY OF THE EXECUTIVE DEPARTMENT OF STATE GOVERNMENT THAT IS AUTHORIZED TO DEVELOP A STATE PROGRAM TO RESPOND TO ANY MANDATES CONTAINED IN A FEDERAL STATUTE SHALL DEVELOP THE STATE PROGRAM AND PROMULGATE ANY NECESSARY REGULATIONS USING THE FOLLOWING CRITERIA:

(a) STATE PROGRAMS SHOULD BE DEVELOPED BY THE STATE AGENCY TO MEET THE REQUIREMENTS OF FEDERAL STATUTES IN GOOD FAITH WITH A CRITICAL VIEW TOWARD ANY FEDERAL REGULATIONS, GUIDELINES, OR POLICIES.

(b) STATE PROGRAMS SHOULD BE DEVELOPED WITH DUE CONSIDERATION OF THE FINANCIAL RESTRAINTS OF LOCAL GOVERNMENTS, THE CITIZENS OF COLORADO, AND THE STATE, INCLUDING THE LIMITATIONS IMPOSED BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(c) ANY STATE PROGRAM THAT IMPLEMENTS THE GOALS OF THE FEDERAL STATUTE SHOULD USE THE MOST EFFICIENT METHOD POSSIBLE, WITH CAREFUL CONSIDERATION GIVEN TO COST OF THE PROGRAM AND THE IMPACT OF THE PROGRAM ON COLORADO CITIZENS AND LOCAL GOVERNMENTS, AND THE LONG-RANGE PUBLIC HEALTH, SAFETY, AND WELFARE OF CITIZENS OF THE STATE.

24-78-105. Joint budget committee - reports to the executive committee - budgetary savings. (1) THE JOINT BUDGET COMMITTEE SHALL REPORT TO THE EXECUTIVE COMMITTEE REGARDING THE PROPOSED IMPLEMENTATION OF THIS SECTION.

(2) (a) IF ANY STATE PROGRAM IS AUTHORIZED OR MANDATED BY A FEDERAL STATUTE, NO STATE APPROPRIATIONS FOR THE PROGRAM SHALL BE ENACTED UNLESS:

(I) THE STATE PROGRAM IS NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE;

(II) THE STATE PROGRAM IS NECESSARY TO IMPLEMENT THE FEDERAL STATUTE;

(III) THE OPERATION OF THE STATE PROGRAM BENEFITS THE STATE BY PROVIDING A COST-EFFECTIVE IMPLEMENTATION OF THE FEDERAL STATUTE BY THE STATE, BY LOCAL GOVERNMENT, AND BY BUSINESS; OR

(IV) THE STATE PROGRAM BENEFITS THE STATE, LOCAL GOVERNMENT, AND BUSINESS BY PROVIDING A COST-EFFECTIVE MEANS TO MEET A HIGHER PUBLIC HEALTH, SAFETY, AND WELFARE STANDARD ESTABLISHED UNDER STATE LAW.

(b) EACH STATE AGENCY MAKING A BUDGET REQUEST FOR STATE APPROPRIATIONS FOR A STATE PROGRAM AUTHORIZED OR MANDATED BY FEDERAL STATUTE SHALL INCLUDE IN ITS BUDGET REQUEST CITATIONS TO

THE FEDERAL CONSTITUTIONAL PROVISIONS AND THE STATE CONSTITUTIONAL OR STATUTORY PROVISIONS THAT AUTHORIZE THE STATE PROGRAM. THE JOINT BUDGET COMMITTEE SHALL REVIEW THE BUDGET REQUEST AND DETERMINE WHETHER ADDITIONAL STATE STATUTORY AUTHORITY IS REQUIRED IN ORDER TO IMPLEMENT THE STATE PROGRAM AND SHALL MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY AND THE EXECUTIVE COMMITTEE THEREON.

(c) THE GENERAL ASSEMBLY, AFTER RECEIVING A RECOMMENDATION FROM THE JOINT BUDGET COMMITTEE AND THE EXECUTIVE COMMITTEE, SHALL DETERMINE WHETHER A STATE PROGRAM IS NECESSARY AND WHETHER FEDERAL CONSTITUTIONAL AUTHORITY AND STATE CONSTITUTIONAL OR STATUTORY AUTHORITY EXIST. THE GENERAL ASSEMBLY SHALL EXERCISE A CRITICAL VIEW TOWARD THE INTERPRETATION OF THE FEDERAL STATUTE FOUND IN FEDERAL REGULATIONS, GUIDELINES, OR POLICIES. ENACTMENT OF STATE APPROPRIATIONS FOR A STATE PROGRAM SHALL CONSTITUTE THE GENERAL ASSEMBLY'S DETERMINATION THAT THE STATE PROGRAM IS NECESSARY AND THAT FEDERAL CONSTITUTIONAL AUTHORITY AND STATE CONSTITUTIONAL OR STATUTORY AUTHORITY EXIST. STATE APPROPRIATIONS MAY NOT BE BASED SOLELY ON REQUIREMENTS FOUND IN REGULATIONS, GUIDELINES, OR POLICIES OF A FEDERAL AGENCY.

(d) PRIOR TO RECOMMENDING TO THE GENERAL ASSEMBLY ANY BUDGET FOR A STATE AGENCY THAT IS CHARGED WITH IMPLEMENTING FEDERAL MANDATES, THE OFFICE OF STATE PLANNING AND BUDGETING AND THE JOINT BUDGET COMMITTEE SHALL REQUIRE THAT THE STATE AGENCY PROVIDE INFORMATION REGARDING ANY MONETARY SAVINGS FOR THE STATE AND ANY REDUCTION IN REGULATORY BURDENS ON THE PUBLIC AND ON LOCAL GOVERNMENTS THAT COULD BE OR HAVE BEEN ACHIEVED THROUGH THE DEVELOPMENT OF STATE POLICIES THAT MEET THE INTENT OF THE FEDERAL STATUTE BUT DO NOT NECESSARILY FOLLOW ALL APPLICABLE FEDERAL REGULATIONS, GUIDELINES, OR POLICIES. THE STATE AGENCY SHALL ALSO PROVIDE ADVICE TO THE OFFICE OF STATE PLANNING AND BUDGETING AND THE JOINT BUDGET COMMITTEE REGARDING ANY CHANGES IN STATE STATUTES THAT ARE NECESSARY TO PROVIDE THE STATE AGENCY THE AUTHORITY TO IMPLEMENT STATE POLICIES IN SUCH A WAY AS TO CREATE ADDITIONAL SAVINGS OR GREATER REDUCTIONS IN REGULATORY BURDENS. THE OFFICE OF STATE PLANNING AND BUDGETING SHALL REVIEW AND COMPILE THE INFORMATION RECEIVED FROM STATE AGENCIES PURSUANT TO THIS SECTION AND SHALL INCLUDE RECOMMENDATIONS IN ITS ANNUAL BUDGET REQUEST TO THE JOINT BUDGET COMMITTEE BASED UPON SUCH INFORMATION.

(3) FOR PURPOSES OF THIS SECTION, "STATE PROGRAM" DOES NOT INCLUDE ANY PORTION OF A PROGRAM THAT IS FUNDED WITH NON-TAX OR NON-FEE REVENUES, OR BOTH, WHICH STATE AUTHORITIES ARE REQUIRED TO ADMINISTER IN A TRUSTEESHIP OR CUSTODIAL CAPACITY AND WHICH ARE NOT SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY.

PART 2
EXERCISE OF STATE AUTHORITY

24-78-201. Requests for information regarding federal

mandates. (1) THE STAFF OF THE LEGISLATIVE COUNCIL AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL JOINTLY PREPARE ONE OR MORE REQUESTS FOR INFORMATION REGARDING FEDERAL MANDATES ON OR BEFORE AUGUST 30, 1994. THE REQUESTS FOR INFORMATION SHALL BE DIRECTED TO PERSONS INVOLVED WITH OR AFFECTED BY FEDERAL MANDATES, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

(a) PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION BOTH WITHIN AND OUTSIDE OF COLORADO AND INDIVIDUALS IN SUCH INSTITUTIONS WHO HAVE DEVELOPED A HIGH DEGREE OF EXPERTISE IN THE SUBJECTS OF FEDERALISM AND FEDERAL MANDATES;

(b) ATTORNEYS IN PRIVATE PRACTICE WHO HAVE DEALT WITH FEDERAL MANDATE LITIGATION OR RESEARCH; AND

(c) ORGANIZATIONS AND FOUNDATIONS THAT HAVE AN INTEREST IN THE ISSUES OF FEDERALISM AND THE IMPOSITION OF FEDERAL MANDATES ON STATE AND LOCAL GOVERNMENTS.

(2) THE ISSUES ADDRESSED IN THE REQUESTS FOR INFORMATION ISSUED PURSUANT TO THIS SECTION SHALL INCLUDE THE FOLLOWING:

(a) IDENTIFICATION OF FEDERAL MANDATES EXPRESSING BROAD FEDERAL POLICIES THAT WOULD BEST BE IMPLEMENTED ON A STATE-BY-STATE BASIS OR THAT COULD BE RESISTED BECAUSE OF THE UNIQUE CIRCUMSTANCES THAT ARE PRESENT IN EACH STATE AND BECAUSE OF THE UNNECESSARY BURDENS THAT ARE CREATED BY FEDERAL REGULATIONS AND POLICIES;

(b) LEGAL THEORIES THAT SUPPORT THE RIGHT OF EACH STATE TO IMPLEMENT OR OPPOSE FEDERAL MANDATES PURSUANT TO THE STATE'S OWN POLICIES;

(c) PRACTICAL METHODS, INCLUDING THE ENACTMENT OF ANY STATE LEGISLATION, BY WHICH THE STATE MAY FULLY EXERCISE ITS AUTHORITY IN THE IMPLEMENTATION OF FEDERAL MANDATES;

(d) RECOMMENDATIONS REGARDING FEDERAL LEGISLATION THAT WOULD ENSURE THAT THE STATES HAVE THE NECESSARY AUTHORITY TO IMPLEMENT FEDERAL DIRECTIVES IN A MANNER THAT IS CONSISTENT WITH STATE POLICY AND IS SUITED TO THE NEEDS OF EACH STATE; AND

(e) POSSIBLE FUNDING SOURCES FOR FEDERAL MANDATE EFFORTS AND OPPORTUNITIES FOR THE STATE OF COLORADO TO MATCH OTHER FUNDING SOURCES OR TO COOPERATE WITH OTHER ENTITIES IN WORKING TOWARDS FEDERAL MANDATE SOLUTIONS.

(3) THE REQUESTS FOR INFORMATION PREPARED PURSUANT TO THIS SECTION SHALL REQUIRE THAT THE INITIAL RESPONSES BE RECEIVED BY THE STAFF OF THE LEGISLATIVE COUNCIL AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES BY OCTOBER 15, 1994. THE STAFF OF THE LEGISLATIVE COUNCIL AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES MAY PREPARE

ADDITIONAL REQUESTS FOR INFORMATION TO FOLLOW UP AND OBTAIN FURTHER DETAILS REGARDING THE INITIAL RESPONSES THAT WERE RECEIVED.

24-78-202. Report by the staff of the legislative council and the office of legislative legal services regarding federal mandates - recommendations. (1) THE STAFF OF THE LEGISLATIVE COUNCIL AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL EXAMINE THE INFORMATION RECEIVED THROUGH THE REQUESTS FOR INFORMATION PREPARED PURSUANT TO SECTION 24-78-201 AND, BASED UPON SUCH INFORMATION, SHALL JOINTLY PRESENT A REPORT TO THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL ON OR BEFORE DECEMBER 1, 1994, THAT INCLUDES THE FOLLOWING: ~~ST~~

(a) RECOMMENDATIONS TO THE EXECUTIVE COMMITTEE REGARDING:

(I) CONTRACTS THAT THE EXECUTIVE COMMITTEE MAY ENTER INTO WITH SPECIFIED PERSONS OR ENTITIES TO CONDUCT RESEARCH, TO ANALYZE CERTAIN SUBJECTS, OR TO PROVIDE OTHER SERVICES REGARDING FEDERAL MANDATES; OR

(II) A REQUEST FOR A PROPOSALS PROCESS TO OBTAIN BIDS FOR CONTRACTS TO PROVIDE SERVICES REGARDING FEDERAL MANDATES WITH THE INTENT THAT THE CONTRACTS BE ENTERED INTO ON OR BEFORE FEBRUARY 1, 1995, AND THAT THE RESULTS OF ANY RESEARCH OR ANALYSIS PERFORMED UNDER SUCH CONTRACTS BE RECEIVED BY THE EXECUTIVE COMMITTEE ON OR BEFORE JULY 1, 1995; AND

(b) ESTIMATES OF THE COST OF THE FEDERAL MANDATE EFFORTS RECOMMENDED BY THE STAFF OF THE LEGISLATIVE COUNCIL AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES UNDER THE PROVISIONS OF THIS SECTION AND RECOMMENDATIONS REGARDING ANY POSSIBLE PUBLIC AND PRIVATE SOURCES OF MONEYS TO FUND SUCH EFFORTS, INCLUDING ANY APPROPRIATIONS BY THE GENERAL ASSEMBLY THAT MAY BE REQUIRED.

24-78-203. Severability. IF ANY PROVISION OF THIS ARTICLE OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ARTICLE ARE DECLARED TO BE SEVERABLE.

SECTION 2. 2-3-203 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2-3-203. Powers and duties. (1) The committee has the following powers and duties:

(f) TO ENFORCE THE REQUIREMENTS OF THE "FEDERAL MANDATES ACT", ARTICLE 78 OF TITLE 24, C.R.S., IN THE BUDGETING PROCESS PURSUANT TO THE REQUIREMENTS OF SECTION 24-78-105 (2), C.R.S.

SECTION 3. 2-3-303 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2-3-303. Functions. (2) In addition to any other powers and duties set forth in law, the executive committee shall have the following powers and duties:

(e) TO OVERSEE THE IMPLEMENTATION OF THE "FEDERAL MANDATES ACT", ARTICLE 78 OF TITLE 24, C.R.S., PURSUANT TO THE REQUIREMENTS OF SECTION 24-78-105 (1), C.R.S.

SECTION 4. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state money is necessary to carry out the purposes of this act.

SECTION 5. Effective date - applicability. This act shall take effect upon passage and shall apply to any state regulation promulgated on or after said date.

~~SECTION 6. This act shall apply to any state regulation promulgated on or after said date.~~

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 22, 1995

FURTHER REFERRALS:

Finance

Date of Committee Action: March 30, 1995

The STATE AFFAIRS Committee considered:

SB 1

SENATE BILL NO. 1

REVIEW OF FEDERALLY MANDATED PROGRAMS

"An Act relating to state implementation of federal statutes."

recommends it be replaced the same title
 with the following committee substitute _____ a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) All Depts,

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Jeannette James</i>	✓			
<i>Brian S. Porter</i>			✓	
<i>Joseph D. ...</i>			✓	
<i>Kira ...</i>			✓	
<i>Ed Willis</i>			✓	
<i>Scott ...</i>	✓			

CHAIR'S SIGNATURE

Jeannette James

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 22, 1995

FURTHER REFERRALS:

Finance

Date of Committee Action: March 30, 1995

The STATE AFFAIRS Committee considered:

SB 1

SENATE BILL NO. 1

REVIEW OF FEDERALLY MANDATED PROGRAMS

"An Act relating to state implementation of federal statutes."

recommends it be replaced with the following committee substitute _____ the same title
 a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) _____ zero fiscal note(s) All Depts.

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Jeannette James</i>	✓			
<i>Brian S. Porter</i>			✓	
<i>Joseph D. ...</i>			✓	
<i>Kia ...</i>			✓	
<i>Ed Willis</i>			✓	
<i>Scott ...</i>	✓			

CHAIR'S SIGNATURE *Jeannette James*

S B

5

MEMBER

TENTH ALASKA LEGISLATURE
ELEVENTH ALASKA LEGISLATURE
TWELFTH ALASKA LEGISLATURE
THIRTEENTH ALASKA LEGISLATURE
FOURTEENTH ALASKA LEGISLATURE
FIFTEENTH ALASKA LEGISLATURE
SIXTEENTH ALASKA LEGISLATURE
EIGHTEENTH ALASKA LEGISLATURE

ALASKA STATE SENATE



SENATOR TIM KELLY

STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-3822
FAX (907) 465-3756

716 WEST 4TH, SUITE 400
ANCHORAGE, ALASKA 99501
(907) 258-8180
FAX (907) 258-4524

March 20, 1995

To: **Representative Jeannette James**
Chair, House State Affairs Committee

From: **Senator Kelly**

Re: **Request for hearing**

I would like to request a committee hearing for CS SB 5 at your earliest convenience. CS SB 5 relates to the color of ballots in primary elections and the kind of voting booths available. For your reference I have attached the sponsor statement and the fiscal note.

If you have any questions regarding CS SB 5, please contact Patricia Grenier of my staff at extension 4823.

MEMBER

TENTH ALASKA LEGISLATURE
ELEVENTH ALASKA LEGISLATURE
TWELFTH ALASKA LEGISLATURE
THIRTEENTH ALASKA LEGISLATURE
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Sponsor Statement
CS SB 5 ()

Privacy of Voting

This past election many of the voters in my district and throughout the state complained about two things: different colored ballots and the new curtainless suitcase voting booths. This legislation is designed to address these concerns by ensuring the secrecy of ballots and the privacy of voting in two ways: by requiring that half of all booths at each precinct be curtained booths, and by having all primary ballots printed on white paper only.

As it stands now the secrecy of voting in this state is severely compromised. There simply have not been enough curtained voting booths at all polling places; in fact, my own precinct had just one curtained booth. As well, these new suitcase voting booths the division is utilizing have lower walls and no curtain, so that one can simply look over and see the ballot of the next voter. Finally, with the different colored ballots in the primary, as one carries their ballot and their stubs through the precinct, and when one wears their "I Have Voted" stubs the selection of ballot is obvious and not private or secret.

The ballot a voter chooses and how he or she casts their vote is a secret matter, not to be shared indiscriminately without consent. The secret ballot is one of the basic protections in a democracy. This legislation remedies these corruptions of the voting process, and carries a zero fiscal note.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SB 5

Revision Date: _____

Department Affected: Office of the Governor

Title: Election Ballots

BRU: Division of Elections

Component: General and Primary

Sponsor: Senator Kelly

COMPONENT SERIAL NO. 22

Requestor: _____

EXPENDITURES/REVENUES:

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND &	0	0	0	0	0	0
GRANTS,	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE						
---------	--	--	--	--	--	--

FUNDING:

1002 Federal	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program	0	0	0	0	0	0
1008 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY95) impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: David Koivunemi, Acting Director
Division: Division of Elections

Phone: 465-4611
Date: 2-13-95

Approved by Commissioner: Fran Ulmer, Lieutenant Governor
Agency: Office of the Governor

Date: _____

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9-LS0987C ✓
Chenoweth
3/29/95

HOUSE CONCURRENT RESOLUTION NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Introduced:

Referred:

A RESOLUTION

1 **Suspending Uniform Rules 24(c), 35, 41(b), and 42(e) of the Alaska State**
2 **Legislature concerning Senate Bill No. 5, relating to election administration and**
3 **the Alaska Election Code.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 That under Rule 54 of the Uniform Rules of the Alaska State Legislature, the
6 provisions of Rules 24(c), 35, 41(b), and 42(e) of the Uniform Rules, regarding changes to the
7 title of a bill, are suspended in consideration of Senate Bill No. 5, relating to election
8 administration and the Alaska Election Code.

DRAFT

HOUSE STATE AFFAIRS COMMITTEE

memo:

To: House Clerk
From: Rep. Jeannette James, Chair
Re: House State Affairs Committee meeting

3-30-95

Tuesday April 4

- *HB 267 Review and expiration of regs.-James- *Held from 3/30*
- SB 92 AHFC, Exec. Budget Act-LB&A- *held from 3/30*
- CSSB 5 Color of Primary Ballots-Kelly- *held from 3/30*
- HB 211 Votor registration law-Bunde-
- *HB 232 Establish Economic Development Board-Kott-
<bills previously heard>

Thursday April 6

- *HB 241 No personal use of campaign account - *Burde-*
<bills previously heard>

Saturday April 8

<bills previously heard>

* Denotes first hearing

Please contact Committee Aide Walt Wilcox for more information.

*HB 229 Noisy car radios-Rokeberg-waived?

9-LS0987A ✓
Chenoweth
3/27/95

HOUSE CONCURRENT RESOLUTION NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY

Introduced:
Referred:

A RESOLUTION

1 Suspending Uniform Rules 24(c), 35, 41(b), and 42(e) of the Alaska State
2 Legislature concerning Senate Bill No. 5, relating to election administration and
3 the Alaska Election Code.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 That under Rule 54 of the Uniform Rules of the Alaska State Legislature, the
6 provisions of Rules 24(c), 35, 41(b), and 42(e) of the Uniform Rules, regarding changes to the
7 title of a bill, are suspended in consideration of Senate Bill No. 5, relating to election
8 administration and the Alaska Election Code.

9-LS0075\K ✓
Chenoweth
3/25/95

HOUSE CS FOR CS FOR SENATE BILL NO. 5()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS KELLY, Salo

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Alaska Election Code and to state election
2 administration."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 15.07.070 is amended by adding a new subsection to read:

5 (h) The director shall design the form of the voter's certificate appearing on
6 the back of the large envelope that is used for voting a questioned ballot so that all
7 information required for registration by AS 15.07.060(a) may be obtained from a voter
8 who votes a questioned ballot. If the voter voting a questioned ballot has completed
9 all information on the voter registration portion of the questioned ballot voter's
10 certificate, the director shall place the name of the voter on the official registration list.

11 * Sec. 2. AS 15.07.130(c) is amended to read:

12 (c) The director shall obtain from the bureau of vital statistics a certified list
13 of all residents over 18 years of age who have died or who have been presumptively
14 declared dead. Promptly after receipt of each list, but, in any event, at least once

1 each month, the [THE] director shall cancel the registration of all deceased voters.

2 * Sec. 3. AS 15.07.135 is amended to read:

3 Sec. 15.07.135. CANCELLATION OF REGISTRATION OF CONVICTED
4 PERSONS. (a) The director shall make reasonable efforts to obtain the names of
5 persons convicted of a felony involving moral turpitude. Promptly after receipt of
6 evidence satisfactory to the director that a person has been convicted of a felony
7 involving moral turpitude, the [THE] director shall cancel the registration of the [A]
8 person [CONVICTED OF A FELONY INVOLVING MORAL TURPITUDE].

9 (b) Upon presenting proof that a [THE] person whose registration was
10 cancelled under (a) of this section has been [IS] unconditionally discharged from
11 custody, the person may register. The director shall make reasonable efforts to verify
12 the unconditional discharge of persons applying for registration under this subsection

13 [SECTION]

14 * Sec. 4. AS 15.10.105(a) is amended to read:

15 (a) The lieutenant governor shall control and supervise the division of
16 elections. The lieutenant governor shall appoint a director of elections. The director
17 shall act for the lieutenant governor in the supervision of central and regional election
18 offices, the hiring, performance evaluation, promotion, termination, and all other
19 matters relating to the employment and training of election personnel, and the
20 administration of all state elections as well as those municipal elections that [WHICH]
21 the state is required to conduct. The director is responsible for the coordination of
22 state responsibilities under 42 U.S.C. 1933gg (National Voter Registration Act of
23 1993). The director serves at the pleasure of the lieutenant governor.

24 * Sec. 5. AS 15.10.105(b) is amended to read:

25 (b) It is essential that the nonpartisan nature, integrity, credibility and
26 impartiality of the administration of elections be maintained. To that end,

27 (1) the [THE] director of elections and the election supervisors
28 appointed under AS 15.10.110

29 (A) [FULL-TIME MEMBERS OF THE DIRECTOR'S STAFF]
30 may not join, support or otherwise participate in a partisan political
31 organization, faction, or activity, including but not limited to the making of

1 political contributions;

2 (B) [. THE DIRECTOR OF ELECTIONS AND THE FULL-
3 TIME MEMBERS OF THE DIRECTOR'S STAFF] may not hold or campaign
4 for elective office, be an officer of a political party or member or officer of a
5 political committee, permit their name to be used, or make any contributions,
6 in support of or in opposition to a candidate or a ballot proposition or question,
7 participate in any way in a national, state, or local election campaign, or lobby
8 or employ or assist a lobbyist;

9 (C) the provisions of (A) and (B) of [. HOWEVER,] this
10 paragraph do [SUBSECTION DOES] not restrict the director of elections or
11 the election supervisors [FULL-TIME MEMBERS OF THE DIRECTOR'S
12 STAFF] from expressing private opinion, registering as to party, or voting; and

13 (2) the full-time employees of the division of elections are subject
14 to the provisions of AS 39.25 applicable to classified employees of the state.

15 * Sec. 6. AS 15.10.107 is amended to read:

16 Sec. 15.10.107. STAFF TRAINING. The director shall, before each primary
17 election in even-numbered years, provide for a comprehensive training program for
18 election officials, both the full-time members of the staff of the division of elections
19 and those who are appointed as election board judges, clerks, and counters under
20 AS 15.10.120 - 15.10.150 and other temporary election employees. The director shall
21 annually prepare and, not later than January 10, file with the lieutenant governor
22 a plan that describes the comprehensive training program for election officials to
23 be provided to those officials during that calendar year.

24 * Sec. 7. AS 15.15.030(6) is amended to read:

25 (6) The general election ballot shall be designed with the position of
26 names of the candidates set out in the same order [CHANGED] in each section on
27 each ballot used in an election district. However, the order of placement of the
28 names of the candidates for each office shall be randomly determined by the
29 director for ballots printed for use in each election district [AS MANY TIMES
30 AS THERE ARE CANDIDATES IN THE SECTION IN WHICH THERE ARE THE
31 MOST NAMES. AS NEARLY AS POSSIBLE, AN EQUAL NUMBER OF

1 BALLOTS SHALL BE PRINTED AFTER EACH CHANGE. IN MAKING THE
2 CHANGES OF POSITION, THE NAME OF THE CANDIDATE AT THE HEAD OF
3 EACH SECTION SHALL BE TAKEN AND PLACED AT THE BOTTOM OF THE
4 SECTION AND THE COLUMN MOVED UP SO THAT THE NAME THAT
5 BEFORE WAS SECOND IS FIRST AFTER THE CHANGE. AFTER THE BALLOTS
6 ARE PRINTED, THEY SHALL BE PLACED IN SEPARATE STACKS, ONE
7 STACK FOR EACH CHANGE OF POSITION. THE BALLOTS SHALL THEN BE
8 GATHERED BY TAKING ONE FROM EACH STACK, THE INTENTION BEING
9 THAT EVERY OTHER BALLOT IN THE ACCUMULATED STACK OF BALLOTS
10 SHALL HAVE THE NAMES OF THE CANDIDATES IN A DIFFERENT
11 POSITION].

12 * Sec. 8. AS 15.15.060(a) is amended to read:

13 (a) Immediately following the appointment of the election board, the election
14 supervisor in conjunction with the election board chair [CHAIRMAN] shall secure
15 polling places for holding the election, suitable ballot boxes that [WHICH] will assure
16 security, and an adequate number of voting booths or screens, national flags, pens, and
17 pencils. At every polling place, at least one voting booth shall be furnished and
18 not [NOT] less than one voting booth or screen shall be furnished for each 100 votes
19 or fractional part of 100 votes cast in the previous election. At every polling place,
20 at least one-half of the voting booths used shall be not less than six feet in height,
21 enclosed on three sides, and provided with a curtain extending from the top of the
22 voting booth to within approximately 30 inches of the floor. The curtain of the
23 voting booth must conceal the voter while voting. The election supervisor and the
24 election board chair [CHAIRMAN] may, in an emergency, secure an alternate location
25 for a polling place.

26 * Sec. 9. AS 15.15.060(b) is amended to read:

27 (b) To assure administrative economy and to protect the secrecy of the
28 ballot, the [THE] director may adopt regulations prescribing
29 (1) the type of polling place for holding the election;
30 (2) [AND] the requirements regarding ballot boxes, voting [BOOTHES.]
31 screens, national flags, and other supplies; and

1 (3) subject to the specifications of of this section, the
2 requirements regarding voting booths [TO ASSURE ADMINISTRATIVE
3 ECONOMY AND TO PROTECT THE SECRECY OF THE BALLOT].

4 * Sec. 10. AS 15.25.060 is amended to read:

5 Sec. 15.25.060. PREPARATION AND DISTRIBUTION OF BALLOTS. The
6 primary election ballot shall be prepared and distributed by the director in the manner
7 prescribed for general election ballots except as specifically provided otherwise for the
8 primary election. The director shall print the ballot on white paper and place the
9 names of all candidates who have properly filed in groups according to offices filed
10 for, without regard to party affiliation. The names for each office shall be rotated as
11 provided for the general election ballot. Blank [NO BLANK] spaces may not
12 [SHALL] be provided on the ballot for the writing or pasting in of names.

13 * Sec. 11. AS 15.25.110 is amended to read:

14 Sec. 15.25.110. FILLING VACANCIES BY PARTY PETITION. If a
15 candidate of a political party nominated at the primary election dies, withdraws,
16 resigns, becomes disqualified from holding the office for which the candidate is
17 nominated, or is certified as being incapacitated in the manner prescribed by this
18 section after the primary election and 48 days or more before the general election, the
19 vacancy may be filled by party petition. The central committee of any political party
20 or any party district committee may certify as being incapacitated any candidate
21 nominated by their respective party by presenting to the director a sworn statement
22 made by a panel of three licensed physicians, not more than two of whom may be of
23 the same political party, that the candidate is physically or mentally incapacitated to
24 an extent that would in the panel's judgment prevent the candidate from active service
25 during the term of office if elected. The director shall place the name of the person
26 nominated by party petition on the general election ballot. The name of a candidate
27 disqualified under this section may not appear on the general election ballot.

28 * Sec. 12. AS 15.25.150 is amended to read:

29 Sec. 15.25.150. DATE OF FILING PETITION. The petition is filed with the
30 director by actual physical delivery in person at or before 5:00 p.m., prevailing time,
31 June 1 [AUGUST 1] in the year in which a general election is held for the office, or

1 by actual ph... delivery to the director by registered or certified mail return receipt
2 requested which is postmarked at or before 5:00 p.m., prevailing time, June 1
3 [AUGUST 1] in the year in which a general election is held for the office, and
4 received not more than 15 days after that time. If the postmark is illegible, a dated
5 receipt from the post office where dispatched shall be acceptable as evidence of
6 mailing. If June 1 [AUGUST 1] is a Sunday or holiday, the deadlines for
7 postmarking and receipt of the petition shall be extended 24 hours in each instance.

8 * Sec. 13. AS 15.25.160 is amended to read:

9 Sec. 15.25.160. REQUIRED NUMBER OF SIGNATURES FOR STATEWIDE
10 OFFICE. Petitions for the nomination of candidates for the office of governor,
11 lieutenant governor, United States senator, and United States representative shall be
12 signed by qualified voters of the state equal in number to at least one percent of the
13 number of voters who cast ballots in the preceding general election. [CANDIDATES
14 FOR THE OFFICE OF GOVERNOR AND LIEUTENANT GOVERNOR SHALL
15 FILE JOINTLY.]

16 * Sec. 14. AS 15.25.180(a) is amended to read:

- 17 (a) The petition must [SHALL] state in substance
- 18 (1) the full name of the candidate;
 - 19 (2) the full residence address of the candidate, and the date on which
20 residency at that address began;
 - 21 (3) the full mailing address of the candidate;
 - 22 (4) the name of the political group, if any, supporting the candidate;
 - 23 (5) if the candidacy is for the office of state senator or state
24 representative, the election or senate district of which the candidate is a resident;
 - 25 (6) the office for which the candidate is nominated;
 - 26 (7) the date of the election at which the candidate seeks election;
 - 27 (8) the length of residency in the state and in the district of the
28 candidate;
 - 29 (9) that the subscribers are qualified voters of the state or election or
30 senate district in which the candidate resides;
 - 31 (10) that the subscribers request that the candidate's name be placed on

1 the primary election ballot;

2 (11) that the proposed candidate accepts the nomination and will serve
3 if elected, with the statement signed by the proposed candidate:

4 (12) [IF THE CANDIDACY IS FOR THE OFFICE OF THE
5 GOVERNOR, THE NAME OF THE CANDIDATE FOR LIEUTENANT GOVERNOR
6 RUNNING JOINTLY WITH THE CANDIDATE FOR GOVERNOR:

7 (13)] the name of the candidate as the candidate wishes it to appear on
8 the ballot; and

9 (13) [(14)] that the candidate is not a candidate for any other office to
10 be voted on at the primary or general election and that the candidate is not a candidate
11 for this office under any other nominating petition or declaration of candidacy.

12 * Sec. 15. AS 15.25.180(b) is amended to read:

13 (b) A person filing a nominating petition under this section, other than a
14 person subject to AS 24.60 who is filing a petition for a state legislative office, shall
15 simultaneously [ALSO] file with the director a statement of income sources and
16 business interests that complies with the requirements of AS 39.50 [WITHIN 30
17 DAYS OF FILING THE PETITION]. A person who is subject to AS 24.60 and is
18 filing a nominating petition for state legislative office shall simultaneously file with
19 the director a disclosure statement that complies with the requirements of
20 AS 24.60.200 [WITHIN 30 DAYS OF FILING THE PETITION].

21 * Sec. 16. AS 15.25 is amended by adding a new section to read:

22 Sec. 15.25.185. ELIGIBILITY OF CANDIDATE. The provisions of
23 AS 15.25.042 and 15.25.043 apply to determinations of a candidate's eligibility when
24 a candidate seeks nomination by petition under AS 15.25.140 - 15.25.205.

25 * Sec. 17. AS 15.25.190 is amended to read:

26 Sec. 15.25.190. PLACEMENT OF NAMES ON PRIMARY [GENERAL]
27 ELECTION BALLOT. The director shall place the names and the political group
28 affiliation of persons who have been properly nominated by petition on the primary
29 [GENERAL] election ballot.

30 * Sec. 18. AS 15.25.200 is amended to read:

31 Sec. 15.25.200. WITHDRAWAL OF CANDIDATE'S NAME. If a candidate

1 nominated by petition dies or withdraws

2 (1) after the petition has been filed and at least 48 days before the date
3 of the primary [GENERAL] election, the director may not place the name of the
4 candidate on the primary [GENERAL] election ballot; or

5 (2) on or after the date of the primary election and 48 days or
6 more before the general election, the director may not place the name of the
7 candidate on the general election ballot.

8 * Sec. 19. AS 15.25 is amended by adding a new section to read:

9 Sec. 15.25.205. PLACEMENT OF NOMINEE ON GENERAL ELECTION
10 BALLOT. (a) Except as provided in (b) of this section, of the names of persons that
11 appear on the primary election ballot under AS 15.25.190, the director shall place on
12 the general election ballot the name of the candidate of each political group that
13 receives the greatest number of votes for an office.

14 (b) For the offices of governor and lieutenant governor, the director shall place
15 on the general election ballot the name of the candidate of each political group
16 receiving the greatest number of votes for the office of governor together with the
17 name of the candidate for lieutenant governor who received the greatest number of
18 votes and who is from the same political group as that candidate. However, the
19 director may not place on the general election ballot the name of the candidate of a
20 political group receiving the greatest number of votes for the office of

21 (1) governor unless there is also a candidate for lieutenant governor of
22 that political group:

23 (2) lieutenant governor unless there is also a candidate for governor of
24 that political group.

25 (c) For purposes of placement of the names of nominees on the general
26 election ballot under this section, all candidates who file nominating petitions without
27 designating a political group name under AS 15.25.180(a) shall be treated as
28 candidates of the same political group.

29 * Sec. 20. AS 15.40.100 is amended to read:

30 Sec. 15.40.100. REQUIREMENTS OF PETITION FOR NO-PARTY
31 CANDIDATES. Petitions for the nomination of candidates not representing a political

1 party shall be signed by qualified voters of the state equal in number to at least one
 2 percent of the number of voters who cast ballots in the preceding general election, and
 3 shall state in substance that which is required in petitions for nomination by [FOR
 4 GENERAL ELECTIONS PROVIDED IN] AS 15.25.180.

5 * Sec. 21. AS 15.40.440 is amended to read:

6 Sec. 15.40.440. REQUIREMENTS OF PETITION FOR NO-PARTY
 7 CANDIDATES. Petitions for the nomination of candidates not representing a political
 8 party shall be signed by qualified voters equal in number to at least one percent of the
 9 number of voters who cast ballots in the proposed nominee's respective election or
 10 senate district in the preceding general election. A nominating petition may not
 11 contain less than 50 signatures for any district, and shall state in substance that which
 12 is required in petitions for nomination by [FOR GENERAL ELECTIONS PROVIDED
 13 IN] AS 15.25.180.

14 * Sec. 22. AS 15.58.030(b) is amended to read:

15 (b) No later than July 15 of a year in which a state general election will be
 16 held, an individual who becomes a candidate for the office of United States senator,
 17 United States representative, governor, lieutenant governor, state senator, or state
 18 representative under AS 15.25.030 or under AS 15.25.180 may file with the lieutenant
 19 governor a photograph and a statement advocating the candidacy. An individual who
 20 becomes a candidate for the office of United States senator, United States
 21 representative, governor, lieutenant governor, state senator, or state representative
 22 [UNDER AS 15.25.180 BY FILING A NOMINATING PETITION OR] by party
 23 petition filed under AS 15.25.110 [ANOTHER MEANS] may file with the lieutenant
 24 governor a photograph and a statement advocating the candidacy [BY JULY 15 OR]
 25 within 10 days of becoming a candidate [, WHICHEVER IS LATER].

26 * Sec. 23. AS 39.25.110(20) is amended to read:

27 (20) employees of

28 (A) the Office of the Governor [AND THE OFFICE OF THE
 29 LIEUTENANT GOVERNOR], including the staff of the governor's mansion:

30 and

31 (B) the office of the lieutenant governor, except the full-time

employees of the division of elections other than the division director and
the regional supervisors appointed under AS 15.10.110;

* Sec. 24. AS 39.50.020(a) is amended to read:

(a) A judicial officer, commissioner, chair or member of a state commission or board specified in AS 39.50.200(b), a person hired or appointed as head or deputy head of, or director of a division within, a department in the executive branch, a person appointed as assistant to the governor, a state investment officer and the state comptroller in the Department of Revenue, and a municipal officer [,] shall file a statement giving income sources and business interests, under oath and on penalty of perjury, within 30 days after taking office as a public official. Candidates for state elective office other than a candidate who is subject to AS 24.60 shall file such a statement with the director of elections at the time of filing a declaration of candidacy or [WITHIN 30 DAYS OF THE FILING OF] a nominating petition, or within 30 days of becoming a candidate by any other means. Candidates for elective municipal office shall file such a statement at the time of filing a nominating petition, declaration of candidacy, or other required filing for the elective municipal office. Refusal or failure to file within the time prescribed shall require that the candidate's filing fees, if any, and filing for office be refused or that a previously accepted filing fee be returned and the candidate's name removed from the filing records. A statement shall also be filed by public officials no later than April 15 or 15 days after the person files a federal income tax return in each following year, whichever comes first. Persons who, on or after December 11, 1974, were members of boards or commissions not named in AS 39.50.200(b) are not required to file financial statements.

DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

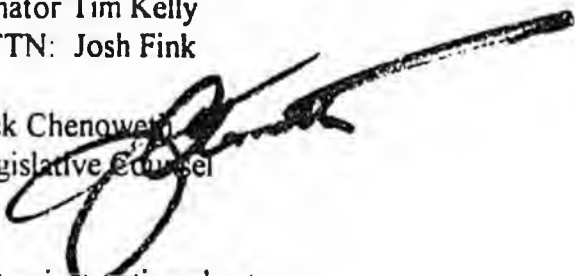
MEMORANDUM

March 25, 1995

SUBJECT: Election administration, draft HCS CSSB 5 ()
(Work Order No. 9-LS0075\K)

TO: Senator Tim Kelly
ATTN: Josh Fink

FROM: Jack Chenoweth
Legislative Counsel



Following from your written instruction sheet:

(1) Altering the questioned ballot envelopes to serve as registration mechanisms is addressed in the addition to AS 15.07.070 of subsection (h), made by bill section 1.

(2) Putting the full-time staff of the Division of Elections, except the director and the regional supervisors, into the classified service is addressed in the amendment to AS 39.25.110(20), made in bill section 23. The status of persons not employed full-time--that is, temporary personnel--is not changed by this bill. Full-time personnel, except the director and regional supervisors, would be given the benefits and protections of other employees of the merit system, and their political rights and limitations are not necessarily the ones that they are now subject to. See my proposed revision of AS 15.10.105(b) in bill section 5.

(3) Making the division director the responsible figure is addressed in the amendment of AS 15.10.105(a) in bill section 4.

(4) While the statutes already address staff training in AS 15.10.107, the amendment of that section in bill section 6 is intended to "beef it up."

(5) For changes related to purging of deceased voters and convicted felons, see bill sections 2 and 3, amending AS 15.07.130(c) and 15.07.135.

(6) The amendment of AS 15.15.030(6) by bill section 7 addresses the handling of name rotation on an election district (i.e. house district) basis. If there is better wording to make this obligation clearer, please advise. (Under AS 15.25.060, the same principle governs preparation of primary ballots. It is not necessary to amend that sections.)

Senator Tim Kelly
March 25, 1995
Page 2

(7) The requirement of all candidates appearing on the primary ballot is addressed in bill sections 11 - 22. I limited the change to elections for state offices--governor and legislature--not to the federal legislative officials.

I owe you a draft House Joint Resolution for a bill title change.

JBC:lmb
95-152.lmb

Enclosure

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HCS CSSB 5(STA) (Work Draft 9-LS0075\M)

- 1 Page 10, following line 23:
- 2 Insert a new bill section to read:
- 3 "* Sec. 25. AS 15.07.110 is repealed."

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HCS CSSB 5(STA) (Work Draft 9-LS0075\M)

1 Page 2, line 24, through page 3, line 14:

2 Delete all material and insert:

3 **"* Sec. 5.** AS 15.10.105(b) is amended to read:

4 (b) It is essential that the nonpartisan nature, integrity, credibility and
5 impartiality of the administration of elections be maintained. To that end,

6 (1) the [THE] director of elections, the election supervisors
7 appointed under AS 15.10.110, and the full-time members of the director's staff

8 (A) may not join, support or otherwise participate in a partisan
9 political organization, faction, or activity, including but not limited to the
10 making of political contributions; and

11 (B) [. THE DIRECTOR OF ELECTIONS AND THE FULL-
12 TIME MEMBERS OF THE DIRECTOR'S STAFF] may not hold or campaign
13 for elective office, be an officer of a political party or member or officer of
14 a political committee, permit their name to be used, or make any contributions,
15 in support of or in opposition to a candidate or a ballot proposition or
16 question, participate in any way in a national, state, or local election campaign
17 or lobby or employ or assist a lobbyist;

18 (2) the full-time employees of the division of elections, except for
19 the director of elections and the elections supervisors appointed under
20 AS 15.10.110, are subject to the personnel rules adopted under the authority of
21 AS 39.25.150(7), (15), and (16); and

22 (3) [. HOWEVER, THIS SUBSECTION DOES NOT RESTRICT] the
23 director of elections, the election supervisors appointed under AS 15.10.110, and
24 [OR] the full-time members of the director's staff may, notwithstanding (1) of this
25 subsection, express [FROM EXPRESSING] private opinion, register

- 1 [REGISTERING] as to political party, and vote [OR VOTING]."
- 2 Page 9, line 26 through page 10, line 2:
- 3 Delete all material.
- 4 Renumber the following bill section accordingly.

S B

8 0

Alaska State Senate

SENATOR STEVE RIEGER
District 1

Senate Finance Committee
Chair, Senate Transportation Committee

Legislative Budget and Audit Committee
Administrative Regulation Review Committee
Legislative Council



During Session:
State Capitol, Room 516
Juneau, Alaska 99801
(907) 465-3879

710 West 4th Avenue, Suite 530
Anchorage, Alaska 99501
(907) 258-8188

MEMORANDUM

TO: Representative Jeannette James, Chair
House State Affairs Committee

FROM: Senator Steve Rieger *SR*

DATE: April 12, 1995

RE: Senate Bill 80, An Act relating to police protection service areas in unified municipalities

This memo is to request your scheduling of SB 80, an Act relating to police protection service areas in unified municipalities; and to police protection provided by the state in certain municipal areas for a hearing in the House State Affairs Committee at your earliest possible convenience. If it is possible to schedule it during the week of April 18, I would greatly appreciate it.

SB 80 allows an area in a unified municipality to pay the full cost of trooper police protection. It outlines a structure for levying assessment in such an area, and is an important bill for the people in my district.

Please contact Bryan Butcher in my office if you have any additional questions at x3879.

Alaska State Senate

SENATOR STEVE RIEGER
District 1



Senate Finance Committee
Chair, Senate Transportation Committee

Legislative Budget and Audit Committee
Administrative Regulation Review Committee
Legislative Council

During Session:
State Capitol, Room 516
Juneau, Alaska 99801
(907) 465-3879

716 West 4th Avenue, Suite 530
Anchorage, Alaska 99501
(907) 258-8188

Senate Bill 80

**An Act relating to police protection service areas in unified municipalities;
and to police protection provided by the state in certain municipal areas.**

Sponsor Statement

SB80 is a measure which will increase local self-determination and provide relief to the state operating budget.

The Department Of Public Safety has a responsibility to provide, among other things, state trooper police protection for the citizenry of the state. In some areas of the state there is a desire and willingness to *pay* for such trooper protection, in order to elevate the amount of coverage. In such a situation both the residents of the area and the department benefit, as there is budget relief for the department, and better service for the area.

SB 80 applies specifically to areas within unified municipalities. It sets forth a mechanism an area to petition for additional trooper protection services, receive a statement of the full cost of all trooper coverage in the area, and then vote it in and pay for it.

This bill represents good government at its best. It allows a citizenry which desires a service, and is willing to pay for it, a way to accomplish their goals. Even areas which are not within the area desiring such service benefit, as the budget pressures on the Department Of Public Safety are lessened and more service can be provided to the rest of the state.

FISCAL NOTE

STATE OF ALASKA

BILL NO: SB 80

1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An Act relating to police protection
service areas in unified municipalities..." BRU: Alaska State Troopers
 Sponsor: Senator Steve Rieger Component: Detachments
 Requestor: S. STA COMPONENT SERIAL NO. 0799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 95) impact: \$ -0-

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)
 See attachment.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 02/27/95
 Approved by Commissioner: *Ronald L. Otto* Date: 3/1/95
 Agency: Ronald L. Otto, Chief of Public Safety

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SB 80 does not require the Department of Public Safety (DPS) to do anything differently than is currently being done. Only in the event a service area requests Trooper services will there be a fiscal impact. Accordingly, a zero fiscal note is submitted. Included with this analysis, for illustrative purposes only, is an example of Anchorage Hillside possible costs based upon providing 24 hour coverage of 2 troopers. The Department is unable to calculate actual costs as the service area plays a part in determining the level of coverage to be provided by the troopers.

This bill allows residents within a unified municipality to form police service areas that would contract with the Department of Public Safety for trooper police service.

Interested residents within a proposed service area would circulate a petition to gather signatures. The petition must include the boundaries of the proposed service area as well as the additional trooper services to be provided by the Department of Public Safety. Upon receipt of a petition containing at least 10% of the voters living in the proposed area, the municipal clerk will submit it to the Commissioner of the Department of Public Safety. The Commissioner will notify the clerk of the estimated costs to provide the specified trooper services within the proposed area for a three-year period.

An election will be held to determine whether a police protection service area should be formed, and to approve of the related costs. If a majority votes to approve the proposition, the Commissioner will be required to provide those services to the area. The governing body will levy assessments in the area and make the required payments to the Commissioner.

The bill also provides that at least once every three years, the election process is repeated to determine if the service area should be continued. The Commissioner is required to provide revised cost estimates at that time.

The process to recruit, test, and fully train new state troopers takes approximately 18 months. The Commissioner needs adequate time to respond to a potential election. If adequate time is not provided for, the Commissioner may be required to close current trooper posts or significantly under-staff other trooper locations and service areas in order to provide trooper services to newly formed service areas.

This bill applies to several geographic areas in the state. This bill requires several processes to be completed prior to the Department of Public Safety being impacted. Since these conditions are dependent on the petition and election process, the Department of Public Safety anticipates no immediate fiscal impact at this time.

Amendments Proposed:

Section (d) of the bill provides that upon approval of the question by a majority of the voters residing in the service area, the service area will be formed and the Commissioner of the DPS shall provide the additional services in that area. Amend bill to allow the Commissioner of the Department of Public Safety a time period of 18 months to begin providing service after an election. The process to recruit, test, and fully train new state troopers takes approximately 18 months. If the Commissioner is not provided an adequate time period, drastic changes in trooper deployment may be necessary in order to provide the voter mandated services in the newly formed areas. This changes could include closing current trooper posts or significantly reducing staff in trooper posts and service areas that have no other police protection options.

Amendments Proposed (Cont'd.):

Section (f) of the bill provides for a service area to be dissolved within 120 days after certification of an election if the question to continue the police protection services is disapproved by a majority of the residents voting on the question. Amend bill to allow 12 month notice to the DPS before dissolving a service area. The 12 month period would allow for attrition to take care of potential layoffs and allow for gradual redistribution of the workforce. Layoffs would result in vacancies spread throughout the State. The workforce would need to be redistributed in accordance with the bidding procedures and seniority rights in accordance with the collective bargaining agreement.

DEPARTMENT OF PUBLIC SAFETY
ALASKA STATE TROOPERS
"Hillside" Contracting Costs

	10 x Troopers	1 x Sergeant	Admin Clerk II	Other Costs	TOTAL	Ongoing Costs each year (3)
Personal Services	695.3	79.5	37.0		811.8	695.3
Travel	15.0	1.5	0.0		16.5	16.5
Contractual	128.8	12.9	2.2	93.6 ⁽¹⁾	237.5	237.5
Supplies	30.6	3.1	2.6		36.3	14.4
Equipment	226.4	22.6	7.1	17.4 ⁽²⁾	273.5	0.0
Subtotal	1,096.1	119.6	48.9	111.0	1,375.6	963.7
Recruitment and Training Costs					110.0	10.0
Total Direct Costs					1,485.6	973.7
Management and Administration costs, 15%					222.8	146.1
ESTIMATED TOTAL COSTS					1,708.4	1,119.8

(1) 4,000 sq. ft. @ \$1.95 per sq. ft. x 12

(2) 3 x microcomputers.

(3) Inflation, step increases not reflected.

ASSUMPTIONS: Population approximately 20,000;
Suburban Residential; 1 High School, 1 Junior High
School, 5 Elementary Schools.

**SOUTHEAST ANCHORAGE
LAW ENFORCEMENT SURVEY
SUMMARY OF RESULTS
February 10, 1992**

Attached is the summary of results of a law enforcement survey conducted in southeast Anchorage in January 1992.

The intent of the survey was to obtain as much feedback as possible on what southeast Anchorage residents want in police protection related to levels of service, costs, and providers, in order that direction would be available to the task force and to elected officials.

The survey was prepared by the Southeast Anchorage Police Protection Task Force, organized in October 1991 to explore alternatives for law enforcement in southeast Anchorage and to work toward alternatives which can be supported by the residents and which may be recommended to elected officials and voters in southeast Anchorage. The task force is composed of representatives of each of the southeast Anchorage community councils and HALO, Inc., a southeast Anchorage homeowners and landowners' organization. The contact for the task force is Maribeth Brown, Chair, 345-1468.

The survey was mailed to 10,546 households in southeast Anchorage. The mailing labels were obtained from Motznik Computer Services, Inc., from lists of registered voters in southeast Anchorage who voted in any 1990 or 1991 election or who have registered to vote since October 6, 1990. (Where two or more registered voters with the same last name were shown at the same address, one collectively-addressed form was sent.)

A total of 2,067 responses were received as of January 31.

Responses are summarized in total and are also subtotaled by community council.

(Review copies of survey results by Community Council area are available from your Community Council and at Samson-Diamond Library.)

**SOUTHEAST ANCHORAGE
LAW ENFORCEMENT SURVEY
SUMMARY OF RESULTS
February 10, 1992**

RESULTS OF 2,067 RESPONSES

1. Response totals by community council district:

Question: Please circle the Community Council District in which you live (the attached map indicates those areas)

Abbott Loop	466	Glen Alps	17	Mid-Hillside	295
Basher	21	Hillside East	182	Rabbit Creek	355
Bear Valley	43	Huff-O'Malley	578	Don't Know/missing	110

2. Types of law enforcement identified by respondents as important*:

Question: What types of law enforcement do you see as important for you and your family? Please give a score for each to show how important you think each service is (3=very important, 2=somewhat important, 1=not important)

**Percentages may not total 100% due to rounding*

a) respond to and investigate serious crimes, accidents with injury, crimes in progress

very important	1,935	(94%)
somewhat important	59	(3%)
not important	39	(2%)
no response	34	(2%)

b) conduct regular neighborhood patrols

very important	459	(22%)
somewhat important	779	(38%)
not important	773	(37%)
no response	56	(3%)

c) investigate civil problems, noise/nuisance, disorderly conduct, non-motor vehicle accidents, run-away juveniles

very important	438	(21%)
somewhat important	995	(48%)
not important	571	(28%)
no response	63	(3%)

d) investigate non-violent crimes (e.g., burglary, theft, criminal mischief, trespass, embezzlement) with no immediate suspect

very important	834	(40%)
somewhat important	964	(47%)
not important	221	(11%)
no response	48	(2%)

e) conduct routine traffic patrols and enforcement

very important	409	(20%)
somewhat important	748	(36%)
not important	851	(41%)
no response	60	(3%)

f) establish and support community service programs, such as Neighborhood Watch Program, School Liaison Program

very important	398	(19%)
somewhat important	780	(38%)
not important	817	(40%)
no response	72	(4%)

3. Highest taxes respondents willing to pay for law enforcement indicated as "very important" and "somewhat important" in above question.

Question: What is the most you are willing to pay for the law enforcement you have indicated as "very important" and "somewhat important" in question 2? Please check one.

\$0	213	(10%)
\$100 per \$100,000 assessed value	655	(32%)
\$200 per \$100,000 assessed value	516	(25%)
\$300 per \$100,000 assessed value	302	(15%)
\$400 per \$100,000 assessed value	247	(12%)
no response	135	(7%)

4. Respondents' satisfaction with level of law enforcement in area (after 11-1-91):

Question: Rate your satisfaction with the current (after November 1, 1991) level of law enforcement in your area (the information sheet describes those services). Please check one.

very satisfied	313	(15%)
satisfied	480	(23%)
neutral	574	(28%)
dissatisfied	421	(20%)
very dissatisfied	236	(11%)
no response	43	(2%)

5. Law enforcement agency generally preferred by respondents.

Question: Check the law enforcement agency that you generally prefer for your area.

Alaska State Troopers	1,076	(52%)
Anchorage Police Dept	272	(13%)
it doesn't matter to me	687	(33%)
no response	32	(2%)

5. Respondents' support for law enforcement service alternatives:

Question: Please indicate your support by circling yes or no for each of the following alternatives for law enforcement. (Options a) and b) are the only ones currently available to southeast Anchorage. If high interest is shown in any of the other options, the task force will pursue their legal and political possibilities.)

alternative	yes	no	no response
a) Anchorage Police Dept. at \$380 per \$100,000 assessed value (Oct 1991 ballot)	433 (21%)	1,501 (73%)	131 (6%)
b) Leave things as they are now	618 (30%)	1,254 (61%)	185 (9%)
c) Seek a separate service area using State Troopers, supported by taxes (but lower than \$380 per \$100,000 assessed value)	1,246 (60%)	620 (30%)	201 (10%)
d) Seek a separate service area using State Troopers supported by taxes (but lower than \$380 per \$100,000 assessed value), with a further contribution to the APD of no more than \$50 per \$100,000 assessed value for services we receive from APD when travelling downtown and for APD emergency backup to the Troopers in Southeast Anchorage	749 (36%)	1,094 (53%)	224 (11%)
e) Seek a separate service area using the APD, supported by taxes (but lower than \$380 per \$100,000 assessed value)	732 (35%)	1,108 (54%)	227 (11%)
f) Gradually phase into APD to full service and cost	428 (21%)	1,364 (66%)	275 (13%)

Rank on the totem

The Commission on Salaries and Emoluments increased, effective Jan. 1, 1994, compensation for Assembly members to \$20,000 per year and for the chairman of the Assembly to \$23,400 per year. No increases were approved for members of the School Board or the Anchorage Telephone Utility Board. The mayor's salary will be the subject of the panel's Sept. 29 meeting.

The following list shows how the mayor compares with the top earners on the municipal payroll in 1992. (There are about 3,500 employees in all.)

Job title	Department	Pay and benefits
1. Mechanic foreman	ML&P	\$190,624
2. Journeyman mechanic	ML&P	182,329
3. General manager	ATU	146,036
4. Senior patrol officer	Police	144,310
5. Senior patrol officer	Police	139,461*
6. Senior patrol officer	Police	134,179
7. Senior patrol officer	Police	133,066
8. Senior patrol officer	Police	132,219*
9. Superintendent	ML&P	131,773*
10. Senior patrol officer	Police	126,868*
11. Superintendent	ML&P	125,874
12. Senior patrol officer	Police	125,646*
13. Data technician	ATU	125,093*
14. Senior patrol officer	Police	123,732
15. Senior patrol officer	Police	122,343
16. Paramedic supervisor	Fire	122,268
17. Mechanic's helper	ML&P	119,837*
18. Senior patrol officer	Police	119,623*
19. Foreman	ML&P	119,186
20. Foreman	ML&P	119,095
21. Captain	Fire	117,717*
22. Battalion chief	Fire	117,296*
23. Foreman	ML&P	116,973
24. Relay substn foreman	ML&P	116,903
25. Maint. technician	ML&P	116,599
26. Senior patrol officer	Police	116,490*
27. Maint. technician	ML&P	116,454
28. Mechanic foreman	ML&P	116,229
29. Senior patrol officer	Police	115,696
30. Captain	Fire	115,695*
31. Battalion chief	Fire	115,078*
32. Senior Captain	Fire	114,889*
33. Paramedic supervisor	Fire	114,274*
34. Superintendent	ML&P	114,228
35. Lieutenant	Police	113,568*
36. Sergeant	Police	113,352*
37. Senior Captain	Fire	113,335*
38. Maint. technician	ML&P	113,071
39. Foreman	ML&P	112,965
40. Senior Captain	Fire	112,899*
41. Sergeant	Police	112,880*
42. Senior patrol officer	Police	112,623*
43. Senior patrol officer	Police	112,253*
44. Sergeant	Police	112,209
45. Senior patrol officer	Police	112,124
46. Superintendent	ML&P	112,013
47. Senior Captain	Fire	111,982*
147. Mayor	Mayor	102,048

* includes cash-in of accrued leave time

S B

9 2

FISCAL NOTE

Bill Version: SB92

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL 1 (S) Publish Date: 3/1/95

Revision Date: _____ Dept. Affected: Revenue
 Title: AHFC Subject to Executive Budget Act BRU: AHFC
 Component: AHFC
 Sponsor: (S)RLS
 Requester: (S)ISTA COMPONENT SERIAL NO. 110/1937/

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ _____

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

No additional costs or significant impact is anticipated with the implementation of this proposed legislation upon the Alaska Housing Finance Corporation.

Prepared by: *Deborah Voigt*
 Division: AHFC
 Approved by: _____
 Commissioner: Deborah Voigt
 Agency: Revenue

Phone: 907-564-9326
 Date: 2/27/95
 Date: 2/27/95

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Representative James, The Anchorage Chamber of Commerce passed this resolution on 4-7-95, Even though the resolution does not address the micro-management issue brought about by SB 92; I'm sure they would support the compromise suggested by Bill Howe.

Sincerely
Jan Sealants

Anchorage Chamber of Commerce
AHFC Resolution
94/95-

WHEREAS the Alaska Housing Finance Corporation is a valuable resource for the state; and

WHEREAS the Alaska Housing Finance Corporation meets the critical housing needs of Alaskans by providing decent, safe, affordable, energy efficient housing; and

WHEREAS the Alaska Housing Finance Corporation provides a significant annual dividend to the state's general fund through its profit making ability; and

WHEREAS the Alaska Housing Finance Corporation provides a readily available source for financing Rural Alaskan housing; and

WHEREAS the Alaska Housing Finance Corporation is an essential underpinning to the "special needs," low-income and multi-family housing markets; and

WHEREAS the ability to seek and require decent housing is a basic right for Alaskans;

THEREFORE the Anchorage Chamber of Commerce hereby resolves that:

the Governor and the State Legislature recognize the long term importance of the Alaska Housing Finance Corporation to the citizens of Alaska; and

the Governor and the State Legislature enact such steps as are necessary to insure the long term financial stability of the Alaska Housing Finance Corporation; and that

the Governor, State Legislature and Alaska Housing Finance Corporation adopt a long term dividend program for the state which would not negatively affect Alaska Housing Finance Corporation's bond rating.

HOUSE CS FOR SENATE BILL NO. 92(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND
AUDIT COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring that, in addition to its operating budget, activities of the
2 Alaska Housing Finance Corporation, except the corporation's unsubsidized
3 mortgage loan activities, are subject to the Executive Budget Act."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 * Section 1. AS 18.56.089(a) is amended to read:

6 (a) The provisions of AS 37.07 (Executive Budget Act)

7 (1) apply to

8 [(A)] the operating budget of the corporation, to all [;

9 (B) AMOUNTS PAYABLE FROM CORPORATE EARNINGS
10 OR ASSETS OF THE CORPORATION FOR GRANTS OR GRANT
11 PROGRAMS AUTHORIZED BY THIS CHAPTER;

12 (C) INTEREST RATE SUBSIDIES AND BUILDING
13 SUBSIDIES AS DETERMINED BY THE CORPORATION, EXCEPT
14 SUBSIDIES PAYABLE FROM THE CORPORATION'S ARBITRAGE

EARNINGS.

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(D) ~~of the corporation under AS 18.55, and, except as otherwise specifically provided in (2) of this subsection, to the activities of the corporation under this chapter [AS 18.55.010 - 18.55.960];~~

(2) do not apply to activities of the corporation under this chapter that relate to

(A) the corporation's borrowing of money as provided in this chapter to make, purchase, and service mortgage loans, including the issuing of its obligations or evidence of that borrowing and the repayment of the debt obligation; and

(B) [other matters of indebtedness that relate to] the corporation's loan programs for which a subsidy is not provided [EXCEPT AS PROVIDED IN (1) OF THIS SUBSECTION OR AS OTHERWISE SPECIFICALLY PROVIDED IN THIS CHAPTER].

(C) multifamily loans and projects not to exceed \$10 million individually which may require grants, tax credits, or which utilize arbitrage earnings as subsidies.

9-LS1029A ✓

Chenoweth

4/3/95

HOUSE CONCURRENT RESOLUTION NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Introduced:

Referred:

A RESOLUTION

1 Suspending Uniform Rules 24(c), 35, 41(b), and 42(e) of the Alaska State
2 Legislature concerning Senate Bill No. 92, relating to exemption of certain
3 activities of the Alaska Housing Finance Corporation from the provisions of the
4 Executive Budget Act.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

6 That under Rule 54 of the Uniform Rules of the Alaska State Legislature, the
7 provisions of Rules 24(c), 35, 41(b), and 42(e) of the Uniform Rules, regarding changes to the
8 title of a bill, are suspended in consideration of Senate Bill No. 92, relating to exemption of
9 certain activities of the Alaska Housing Finance Corporation from the provisions of the
10 Executive Budget Act.

Alaska State Legislature

REPRESENTATIVE
JEANNETTE JAMES

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House of Representatives

House District 34

HOUSE STATE AFFAIRS COMMITTEE

memo:

To: House Clerk

3-29-95 2PM

From: Rep. Jeannette James, Chair 

Re: House State Affairs Committee meeting

Thursday March 30 8AM to 10AM (TCN 50491)

SB 1 Review of federal mandated programs-Taylor-

*HB 267 Review and expiration of regs.-James-

SB 92 AHFC, Exec. Budget Act-LB&A-

*HB 269 Public radio and TV endowment credit-Ivan-

CSSB 5 Color of Primary Ballots-Kelly-

Saturday April 1 10AM to Noon (TCN 50520)

*HB 270 Early Retirement Incentives-Governor-

<Bills previously heard>

* Denotes first hearing

Please contact Committee Aide Walt Wilcox for more information.